

**FIFTY-EIGHTH DAY**  
(Monday, April 29, 1935)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Herzik
Adamson	Hill
Adkins	Hodges
Aikin	Hofheinz
Alexander	Holland
Alsup	Hoskins
Ash	Howard
Atchison	Huddleston
Bergman	Hunt
Bourne	Hunter
Bradbury	Hyder
Bradford	Jackson
Burton	James
Butler of Brazos	Jefferson
Butler of Karnes	Jones of Atascosa
Cagle	Jones of Falls
Caldwell	Jones of Runnels
Calvert	Jones of Shelby
Canon	Jones of Wise
Celaya	Keefe
Clayton	King
Collins	Knetsch
Colquitt	Lange
Colson	Lanning
Cooper	Latham
Cowley	Leath
Craddock	Lemens
Crossley	Leonard
Daniel	Lindsey
Davison of Fisher	Lotief
Davisson	Lucas
of Eastland	Luker
Dickison	Mauritz
Dunagan	McConnell
Dunlap of Kleberg	McFarland
Duvall	McKee
Dwyer	McKinney
England	Moffett
Fain	Moore
Fisher	Morris
Fitzwater	Morrison
Ford	Morse
Fox	Newton
Fuchs	Nicholson
Gibson	Olsen
Glass	Padgett
Good	Palmer
Graves	Patterson
Gray	Payne
Greathouse	Petsch
Hankamer	Pope
Hanna	Quinn
Hardin	Reader
Harris of Archer	Reed of Bowie
Harris of Dallas	Reed of Dallas
Hartzog	Riddle
Head	Roach of Angelina

Roach of Hunt	Stovall
Roane	Tarwater
Roark	Tennyson
Roberts	Thornton
Rogers	Tillery
Russell	Venable
Rutta	Waggoner
Scarborough	Walker
Settle	Wells
Shofner	Westfall
Smith	Wood of Harrison
Spears	Wood of Montague
Stanfield	Worley
Steward	Young
Stinson	Youngblood

**Absent—Excused**

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"O, Lord, our God, we praise Thee for this day and time, with their matchless opportunities and challenging conditions. Direct and strengthen us, that we may rise to high and yet higher planes of understanding, and wisely lead on in the achievements of our State. In Christ's name. Amen."

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence on account of important business:

Mr. Farmer for today and the balance of the week, on motion of Mr. Fox.

Mr. Frazer for today, on motion of Mr. Hill.

Mr. Dunlap of Hays for today, on motion of Mr. Hill.

Mr. McCalla for today, on motion of Mr. McKinney.

Mr. Beck for today, on motion of Mr. Morrison.

The following members were granted leaves of absence on account of illness:

Mr. Davis for today, on motion of Mr. Jones of Atascosa.

Mr. Broyles for today, on motion of Mr. Aikin.

**HOUSE BILL ON FIRST READING**

Mr. Hankamer moved to introduce at this time, and have placed on first reading, House Bill No. 987.

The motion prevailed by the following vote:

Yeas—104

Adamson	King
Adkins	Knetsch
Aikin	Lanning
Alsup	Latham
Bergman	Lemens
Bourne	Lindsey
Bradbury	Lucas
Bradford	Mauritz
Burton	McConnell
Butler of Karnes	McFarland
Caldwell	McKinney
Calvert	Moffett
Clayton	Moore
Colquitt	Morris
Cooper	Morrison
Craddock	Morse
Davison of Fisher	Newton
Dickison	Nicholson
Duvall	Olsen
Dwyer	Padgett
England	Palmer
Fain	Patterson
Fisher	Pope
Fitzwater	Reader
Fox	Reed of Bowie
Fuchs	Reed of Dallas
Glass	Roach of Angelina
Good	Roach of Hunt
Gray	Roark
Hankamer	Roberts
Hanna	Russell
Hardin	Rutta
Harris of Archer	Scarborough
Harris of Dallas	Settle
Hartzog	Shofner
Head	Spears
Herzik	Steward
Hill	Stinson
Hodges	Stovall
Hoskins	Tarwater
Howard	Tennyson
Huddleston	Thornton
Hunt	Tillery
Hunter	Venable
Jackson	Waggoner
James	Walker
Jefferson	Wells
Jones of Atascosa	Westfall
Jones of Runnels	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Worley
Keefe	Youngblood

Nays—2

Lotief Smith

Absent

Alexander	Cagle
Ash	Canon
Atchison	Celaya
Butler of Brazos	Collins

Colson	Jones of Falls
Cowley	Lange
Crossley	Leath
Daniel	Leonard
Davisson	Luker
of Eastland	McKee
Dunagan	Payne
Dunlap of Kleberg	Petsch
Ford	Quinn
Gibson	Riddle
Graves	Roane
Greathouse	Rogers
Hofheinz	Stanfield
Holland	Young
Hyder	

Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

The Speaker then laid the bill before the House; it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hankamer, Mr. Clayton, and Mr. Jackson:

H. B. No. 987, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to issue surface leases for a term not exceeding 99 years to any University lands located in El Paso County, Texas, and declaring an emergency."

Referred to Committee on Public Lands and Buildings.

#### GRANTING JUDGE W. F. ROBERTSON PERMISSION TO LEAVE THE STATE

Mr. Duvall offered the following resolution:

H. C. R. No. 100, Granting certain district judge permission to be absent from State.

Be it resolved by the House of Representatives of Texas, the Senate concurring, That Hon. W. F. Robertson, Judge of the One Hundred and Twenty-sixth Judicial District Court of Texas, be, and he is hereby, granted permission to be absent from the State of Texas at such intervals, and for such time as he may see fit and proper during the months of July and August, in the years 1935 and 1936.

The resolution was read second time, and was adopted.

# TO PROVIDE FOR APPOINTMENT OF CERTAIN EMPLOYEES

Mr. Jones of Atascosa offered the following resolution:

Whereas, The members of the House of Representatives, many of whom reside hundreds of miles from the Capitol, stand in great need of information and data which can be obtained readily and economically by a skilled person who is acquainted with the records of the Legislature and departments of the State Government; and

Whereas, There is not at this time any person designated by the House of Representatives to furnish authentic information or render service to the members of the House of Representatives while the Legislature is not in session; and

Whereas, The information thus needed by the members of the House of Representatives can be furnished by an authorized clerk upon their written request by mail or otherwise; and

Whereas, It would be of great help to every member of the House of Representatives to be able to communicate with such a clerk during the time the Legislature is not in session relative to such needed information; and

Whereas, The Senate of the State of Texas has access to such accommodations, assistance, and stenographic service; now, therefore, be it

Resolved, That an elective officer of the House of Representatives, who is efficient, a stenographer, and familiar with legislative records, be appointed by the Speaker of the House to act in such capacity when the Legislature is not in session, and he is hereby authorized to make such appointment; the salary of said clerk shall be five dollars (\$5.00) per day, to be paid out of the Contingent Expense Fund; said clerk to be supplied with a desk and necessary materials in the House of Representatives; said clerk, upon request, at all times to render every service possible in securing information for each and every member of the Forty-fourth Legislature.

Signed—Jones of Atascosa, Patterson, Colson, Farmer, Jones of Runnels, Palmer, Davis, Jones of Shelby, Gray, Olsen, McFarland, Fuchs, Stovall, King, Newton, Canon,

Hodges, Bergman, Jones of Wise, Payne, McCalla, Howard, Morse, Hofheinz, Spears, Burton, Cagle, Shofner, Gibson, Craddock, Quinn, Hunter, Glass, Mauritz, Reed of Dallas, Collins, Colquitt, Rogers, Hankamer, James, Ash, Butler of Karnes, Hill, Dickison, Davison of Fisher, Settle, Jones of Falls, McKee, Butler of Brazos, Wood of Harrison, Reader, Frazer, Cooper, Jefferson, Smith, Beck, Lanning, Waggoner, Hyder, Thornton, Adamson, Scarborough, Broyles, Dunlap of Hays, Padgett, Dwyer, Latham, Lindsey, McConnell, Worley, Head, Hunt, England, Roach of Angelina, Celaya, Herzik, Roberts, Leath, Lange, Steward, Knetsch, Hartzog, Harris of Dallas, Hardin, Wells, Stinson, Holland, Hoskins, McKinney, Bourne, Bradford, Rutta, Venable, Nicholson, Fisher, Harris of Archer, Adkins, Youngblood, Riddle, Reed of Bowie, Caldwell, Tennyson, Tillery, Bradbury, Atchison, Huddleston, Good, Dunagan, Wood of Montague, Luker.

The resolution was read second time.

Mr. Jones of Atascosa offered the following amendment to the resolution:

Amend resolution by striking out "\$5.00" wherever it appears and insert "\$4.00."

Mr. Stovall offered the following amendment to the resolution:

Amend the resolution by adding after the word "that" in the first line of the resolving clause the name "Jonnie Mae Watson."

On motion of Mr. Duvall, the resolution was referred to the Committee on Contingent Expenses.

# TO COMPLETE ORGANIZATION FOR CERTAIN INVESTIGATING COMMITTEE

Mr. Venable offered the following resolution:

Whereas, House Simple Resolution No. 105 as passed by the House on April 23 did not contain ample provisions for the payment of money authorized in said resolution on sworn accounts; and

Whereas, No provision was inserted in said resolution for summoning and swearing witnesses; therefore, be it

Resolved, That the committee authorized in House Simple Resolution

No. 105 shall have full and complete authority to formulate rules of procedure, to summons witnesses, to issue subpoenas, subpoena duces tecum, attachment and all other writs and process necessary to effect the purposes of this resolution, to administer oaths to said witnesses and to punish for contempt; and, be it further

Resolved, That said committee be authorized to employ such help to assist it in making up such investigation and in the formulation of the report, and further to pay the actual necessary and reasonable expenses of witnesses brought before the committee, and such other expenses as may be necessary to facilitate the work and purpose of the committee; and that such expenses be paid by and through the chairman of the Contingent Expense Committee upon the certificate of the chairman of the committee, out of the Contingent Expense Fund of the Forty-fourth Legislature.

The resolution was read second time.

(Mr. Spears in the Chair.)

Mr. Alsup offered the following amendment to the resolution:

Amend the resolution by providing that committee shall not expend any more moneys than is provided in House Simple Resolution No. 105.

ALSUP,  
HUNT.

The amendment was adopted.

Question recurring on the resolution, it was adopted.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to concur in House amendments to Senate Bill No. 36, and requests the appointment of a conference committee to adjust the differences between the two houses.

The following have been appointed on the part of the Senate: Senators Redditt, Stone, Woodruff, Holbrook, and Duggan.

The Senate has passed

H. B. No. 266, A bill to be entitled "An Act declaring the policy of the State with reference to the preservation of natural resources and protec-

tion of the rights of the owners of gas producing properties; defining certain terms used in this bill; declaring certain corporations to be public service utilities; authorizing the Railroad Commission of Texas to determine whether the supply of gas in any pool is in excess of the reasonable market demand and reasonable demand for gas reserves and authorizing the Commission to restrict the use of gas to light and fuel purposes in all fields where the supply is not in excess of the demand and where the supply is not in excess of the reasonable requirements for reserve purposes, etc., and declaring an emergency." (With amendments.)

H. B. No. 405, A bill to be entitled "An Act providing for a closed season on the killing or possessing of squirrels in the Counties of Leon and Madison from the first day of January of each year, through and including the fifteenth day of May of each year, and during the months of August and September of each year, etc., and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### SENATE JOINT RESOLUTION NO. 26 ON SECOND READING

The Chair laid before the House, on its second reading,

S. J. R. No. 26, Proposing an amendment to Article XVI of the Constitution of the State of Texas by adding a new section to be numbered 61, vesting all the power heretofore conferred upon the Governor by Section 11, Article IV of the Constitution, relating to granting reprieves, commutations of punishments and pardons in all criminal cases in a board to be known and designated as the Board of Pardons and Paroles.

The resolution was read second time.

Mr. Alexander offered the following amendment to the resolution:

Amend Senate Joint Resolution No. 26 by striking out all below the resolving clause and insert the following:

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 11 of Article IV of the Constitution of Texas be amended so as to read as follows:

"Sec. 11. There is hereby created a Board of Pardons and Paroles, which shall be composed of three members, each of whom shall hold office for a term of six years; provided that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years, and they shall cast lots for their respective terms. One member of said board shall be appointed by the Governor, one member by the Chief Justice of the Supreme Court of Texas, and one member by the Presiding Judge of the Court of Criminal Appeals. All vacancies occurring on said board shall be filled by appointment of the person making the original appointment or by his successor in office.

"In all criminal cases, except treason and impeachment, the Governor shall have power, upon the recommendation and advice of two members of the Board of Pardons and Paroles, to grant reprieves, commutations of punishment and pardons; and under such rules as the Legislature may prescribe, and upon recommendation and advice of two members of the Board of Pardons and Paroles, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant reprieves, commutations of punishment and pardons in cases of treason; and to this end he may respite a sentence therefor, until the close of the succeeding session of the Legislature.

The Legislature shall have power to regulate the procedure before the Board of Pardons and Proles, and shall require it to keep records of its actions and the reasons therefor."

Sec. 2. The foregoing proposition to amend Section 11 of Article IV of the Constitution of Texas shall be submitted to the electors of this State who are qualified to vote on proposed constitutional amendments at the general election to be held on the first Tuesday after the first Monday in November, A. D. 1936, at which election each ballot shall have printed thereon the words:

"For the amendment of Section 11 of Article IV of the Constitution, so as to provide for appointment of the Board of Pardons and Paroles, and making the Governor's pardoning power subject to recommendation of the Board, except that in cases of treason, the Governor may grant par-

dons on the advice and consent of the Senate."

"Against the amendment of Section 11 of Article IV of the Constitution, so as to provide for appointment of the Board of Pardons and Paroles, and making the Governor's pardon power subject to recommendation of the Board, except that in cases of treason, the Governor may grant pardons on the advice and consent of the Senate."

Each voter shall strike out with pen or pencil the clause which does not indicate his desire regarding the above proposed amendment.

Sec. 3. The Governor is hereby directed to issue the necessary proclamation for said election, and to have the above proposed amendment published in the manner and for the time required by the Constitution and laws of this State.

Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury of the State of Texas, not otherwise appropriated, to pay the expense of such publication and election.

Mr. Alexander offered the following amendments to the amendment:

Amend amendment to Senate Joint Resolution No. 26 by adding between the word "the," and the word "recommendation," in line 35, page 1, the word "written."

Amend amendment to Senate Joint Resolution No. 26, page 1, line 38, by adding the word "written" between the word "upon" and the word "recommendation."

Amend amendment to Senate Joint Resolution No. 26 by adding after the word "terms," in line 27, page 1, the following: "The members of said Board shall receive such salary as the Legislature shall determine."

The amendments were severally adopted.

Mr. Bradford offered the following amendment to the amendment:

Amend amendment to Senate Joint Resolution No. 26, page 2, line 6, by striking out the word "proles" and substitute thereof the word "paroles."

The amendment was adopted.

Mr. Pope offered the following amendments to the amendment:

Amend amendment to Senate Joint Resolution No. 26 by striking out the

word "Senate," in line 1, page 2, and insert the word "Legislature" in lieu thereof.

Amend amendment to Senate Joint Resolution No. 26 by striking out all of line 4 and all of line 3 after the word "treason," in line 3, all on page 2.

The amendments were severally adopted.

Mr. Alexander offered the following amendment to the amendment:

Amend amendment to Senate Joint Resolution No. 26 by adding on page 2, line 6, after the word "paroles," the following: "and to prescribe rules for their appointment and confirmation."

The amendment was adopted.

Mr. Gray offered the following amendment to the amendment by Mr. Alexander:

Amend amendment to Senate Joint Resolution No. 26 by striking out all of Section 1 and insert the following:

Section 1. That Section 11 of Article IV of the Constitution of Texas be amended so as to read as follows:

"Section 11. There is hereby created a Board of Pardons and Paroles, to be appointed by the Governor by and with the advice and consent of the Senate, which board shall consist of three members, each of whom shall hold office for a term of six years; provided that of the members of the first board appointed, one shall serve for two years, one for four years and one for six years, and they shall cast lots for their respective terms. All vacancies occurring on said board shall be filled by appointment of the Governor as in the first instance, and he shall have the power to make recess appointments until the convening of the Senate. The members of said board shall receive such salary as the Legislature shall determine.

"In all criminal cases, except treason and impeachment, the Governor shall have power only upon the recommendation and advice of the board, or a majority thereof, to grant reprieves, commutations of punishment and pardons and to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason, and to this end, he may respite a sentence therefor until the close of the succeeding session of the Legislature; provided that the Legislature shall have power to regulate the procedure

before said Board of Pardons and Paroles, and shall require it to keep records of its actions and the reasons therefor; provided further, that in all cases of remission of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, the Governor shall file in the office of the Secretary of State his reasons therefor."

Mr. Jones of Atascosa moved the previous question on the pending amendments, amendments on the Speaker's desk, and the resolution, and the motion was not seconded.

Mr. Alexander moved to table the amendment by Mr. Gray.

The motion to table was lost.

Question recurring on the amendment by Mr. Gray, it was adopted.

Mr. Hofheinz offered the following substitute for the amendment by Mr. Alexander:

Substitute for amendment to Senate Joint Resolution No. 26 by striking out all below the resolving clause and inserting in lieu thereof the following:

Section 1. That the Constitution of the State of Texas, Article IV, Section 11, be amended so as to hereinafter read as follows:

"Section 11. In all criminal cases, excepting treason and impeachment, he shall have power, after conviction, to grant reprieves, commutations of punishment, pardons, and remit fines and forfeits as provided by law. With the advice and consent of the Senate, he may grant pardons in cases of treason; and to this end he may respite a sentence therefor until the close of the succeeding session of the Legislature; provided, that in case of remission of fines and forfeitures, or grants of reprieve, commutation of punishment or pardon, he shall file in the office of the Secretary of State his reasons therefor."

Sec. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified voters of this State at the next general election to be held on \_\_\_\_\_, after the first Monday of November, A. D. 193—, at which election all voters favoring said proposed amendment shall write or have printed on their ballots the words:

"For amendment to the Constitution of the State of Texas amending Article IV, Section 11, which abolishes

the power of the Governor to issue pardons except as provided by law."

"Against amendment to the Constitution of the State of Texas amending Article IV, Section 11, which abolishes the power of the Governor to issue pardons except as provided by law."

Each voter shall scratch out with pen or pencil which he desires to vote against to indicate whether he is voting for or against said proposed amendment.

Sec. 3. The Governor of the State of Texas is hereby directed to issue a proclamation for said election and for the publication of same as is required by law.

Sec. 4. The sum of five thousand dollars (\$5,000), or so much thereof as might be necessary, is hereby appropriated out of any funds of the State Treasury of the State of Texas, not otherwise appropriated, for the expense of such publication and election.

Mr. Alexander moved to table the amendment by Mr. Hofheinz.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—111

Adamson	Fisher
Adkins	Fitzwater
Aikin	Ford
Alexander	Fox
Alsup	Fuchs
Ash	Gibson
Atchison	Glass
Bourne	Graves
Bradbury	Gray
Bradford	Greathouse
Burton	Hardin
Butler of Brazos	Harris of Archer
Butler of Karnes	Harris of Dallas
Cagle	Head
Calvert	Hill
Canon	Hodges
Collins	Hoskins
Colquitt	Huddleston
Cooper	Hunt
Cowley	Hunter
Craddock	Hyder
Crossley	Jackson
Daniel	James
Davison of Fisher	Jones of Atascosa
Dickison	Jones of Falls
Dunagan	Jones of Runnels
Dunlap of Kleberg	Jones of Wise
Dwyer	Keefe
England	King
Fain	Knetsch

Lanning	Roach of Angelina
Latham	Roach of Hunt
Leath	Roberts
Lemens	Rogers
Lindsey	Russell
Lucas	Rutta
Luker	Settle
Mauritz	Smith
McConnell	Stanfield
McFarland	Steward
McKinney	Stinson
Moffett	Stovall
Morris	Tarwater
Morrison	Tennyson
Newton	Thornton
Olsen	Tillery
Padgett	Venable
Palmer	Waggoner
Patterson	Walker
Payne	Wells
Pope	Westfall
Quinn	Wood of Harrison
Reader	Wood of Montague
Reed of Bowie	Worley
Reed of Dallas	Youngblood
Riddle	

#### Nays—16

Caldwell	Howard
Colson	Jefferson
Davisson	Lotief
of Eastland	Moore
Duvall	Petsch
Good	Roark
Herzik	Shofner
Hofheinz	Young
Holland	

#### Present—Not Voting

Roane

#### Absent

Bergman	Lange
Celaya	Leonard
Clayton	McKee
Hankamer	Morse
Hanna	Nicholson
Hartzog	Scarborough
Jones of Shelby	Spears

#### Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

Mr. Pope offered the following amendment to the amendment by Mr. Gray:

Amend the Gray amendment by striking out the word "Senate" at the end of fourth line in last paragraph and insert in lieu thereof the word "Legislature," and by striking out the sixth line of said paragraph

and all of the fifth line of said paragraph after the word "treason."

Question—Shall the amendment by Mr. Pope be adopted?

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, April 29, 1935.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 393, A bill to be entitled "An Act making the appropriation out of the general revenue of the State of Texas for the State Board of Water Engineers to pay the salary of two (2) assistant engineers for certain supplies, travel expenses and auto maintenance, and declaring an emergency."

S. B. No. 234, A bill to be entitled "An Act making an emergency appropriation out of the General Revenue Fund of the State of Texas for the State Department of Education for the balance of the fiscal year ending August 31, 1935, and declaring an emergency."

S. B. No. 56, A bill to be entitled "An Act to amend Article 117, Chapter 6, Revised Civil Statutes of 1925, so as to eliminate compulsory inspection of fruits other than citrus, and vegetables other than potatoes; providing for the adoption of the United States grades for certain fruits and vegetables, and the promulgation of additional grades giving the Commissioner of Agriculture authority to enter into co-operative agreements with the United States Department of Agriculture, and declaring an emergency."

S. B. No. 238, A bill to be entitled "An Act to amend and amending Article 2968, Revised Civil Statutes of Texas, 1925, as amended by Chapter 26 of the Fifth Called Session of the Forty-first Legislature, and to provide for and to require the issuance of certificates of exemption without cost to all qualified voters not subject to the payment of a poll tax and providing the form thereof and the character of record to be made and kept by the tax collector and providing for the cancellation and reissue or indorsement thereof

when the voter moves from one county to another and for the reissue in the event of loss of such certificate and to require the entry of the names of persons to whom such certificates are issued on the list of legal voters, and declaring an emergency."

The Senate has adopted

H. C. R. No. 99, Recalling House Bill No. 257 from the Governor's office. (With amendments.)

S. C. R. No. 45, Granting permission to W. C. Davis to sue the State and the Highway Department of the State of Texas.

S. C. R. No. 46, Granting permission to Hon. W. F. Robertson, Judge of the One Hundred Twenty-sixth Judicial District Court of Texas to absent himself from the State at times he may see fit.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 407, "An Act limiting the time in which ad valorem taxes may be collected by the State, any county, municipality, or other defined subdivision, and declaring an emergency."

S. B. No. 467, "An Act providing for the establishment of a tuberculosis sanatorium for negroes to be known as the State Tuberculosis Sanatorium for Negroes; providing for its location; the acquisition by the State of land therefor, and the approval of the title to the land; authorizing the State to accept donations for said purpose; prescribing the kind, character, and capacity of buildings to be erected thereon; prescribing the rules and regulations governing the conduct and operation of said sanatorium, and governing the admission of patients thereto and their classification and care, and declaring an emergency."

#### HOUSE CONCURRENT RESOLUTION NO. 99 WITH SENATE AMENDMENTS

Mr. Padgett called up, from the Speaker's table, with Senate amend-



ments, for consideration of the amendments.

H. C. R. No. 99, Recalling House Bill No. 257 from the Governor's office.

The Chair laid the resolution before the House, with the Senate amendments.

On motion of Mr. Padgett, the House concurred in the Senate amendments.

#### HOUSE BILL NO. 405 WITH SENATE AMENDMENTS

Mr. Palmer called up, from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 405, A bill to be entitled "An Act providing for a closed season on the killing or possessing of squirrels in the Counties of Leon and Madison from the first day of January of each year, through and including the fifteenth day of May of each year, and during the months of August and September of each year, etc., and declaring an emergency."

The Chair laid the bill before the House, with the Senate amendments.

On motion of Mr. Palmer, the House concurred in the Senate amendments by the following vote:

Yeas—123

Adamson	Dickison
Adkins	Dunagan
Aikin	Duvall
Alexander	England
Alsup	Fain
Ash	Fisher
Atchison	Fitzwater
Bourne	Ford
Bradbury	Fox
Bradford	Fuchs
Burton	Gibson
Butler of Brazos	Glass
Butler of Karnes	Graves
Cagle	Gray
Caldwell	Hanna
Calvert	Hardin
Canon	Harris of Archer
Collins	Harris of Dallas
Colquitt	Hartzog
Colson	Herzik
Cooper	Hodges
Cowley	Hofheinz
Craddock	Holland
Crossley	Hoskins
Daniel	Howard
Davison of Fisher	Huddleston
Davisson	Hunt
of Eastland	Hunter

Hyder	Petsch
Jackson	Pope
James	Quinn
Jefferson	Reader
Jones of Atascosa	Reed of Bowie
Jones of Falls	Reed of Dallas
Jones of Runnels	Riddle
Jones of Shelby	Roach of Angelina
Jones of Wise	Roach of Hunt
Keefe	Roane
King	Roark
Knetsch	Roberts
Lange	Rogers
Lanning	Russell
Latham	Rutta
Lemens	Scarborough
Lindsey	Smith
Lucas	Stanfield
Luker	Steward
Mauritz	Stinson
McConnell	Stovall
McFarland	Tennyson
McKee	Thornton
McKinney	Tillery
Moffett	Venable
Moore	Waggoner
Morris	Walker
Morrison	Wells
Morse	Westfall
Newton	Wood of Harrison
Olsen	Wood of Montague
Padgett	Worley
Palmer	Young
Patterson	Youngblood

#### Absent

Bergman	Leath
Celaya	Leonard
Clayton	Lotief
Dunlap of Kleberg	Nicholson
Dwyer	Payne
Good	Settle
Greathouse	Shofner
Hankamer	Spears
Head	Tarwater
Hill	

#### Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

#### ADDRESS BY CAPTAIN GUNTHER LUDJENS

Captain Gunther Ludjens, of the German cruiser Karlsruhe, appeared at the bar of the House, and being admitted, was escorted to the Speaker's stand by Hon. Coke R. Stevenson and Messrs. Knetsch, Jefferson, Smith, and Cooper.

Speaker Stevenson introduced Captain Ludjens, who addressed the House briefly.

## RECESS

On motion of Mr. Wells, the House, at 12 o'clock m., took recess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m., and was called to order by the Speaker.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Huddleston:

H. B. No. 988, A bill to be entitled "An Act to prohibit the use of a seine or net for taking fish in Hamilton County, except a seine or net of not less than three-inch square mesh during certain months; etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Holland and Mr. Morse:

H. B. No. 989, A bill to be entitled "An Act providing for a Civil Service Commission in counties having a population of more than 350,000 according to the Federal Census last preceding; establishing a method for the election of the members of said commission, fixing the terms of office of said members, and providing for functioning of said commission, including the election of the chairman thereof and a minimum salary of \$3,000 for the chairman of said commission; etc., and declaring an emergency."

Referred to Committee on Labor.

By Mr. Stevenson and Mr. Petsch:

H. B. No. 990, A bill to be entitled "An Act requiring a hunting license of all those over seventeen years of age hunting in certain counties; requiring a fishing license of all those over seventeen years of age fishing in certain counties; fixing the fees for said licenses and the fee to be retained by the collecting officer; etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

## HOUSE JOINT RESOLUTION ON FIRST READING

The following House joint resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Roach of Hunt:

H. J. R. No. 53, Proposing an amendment to Article XVI, Section 11, of the Constitution of the State of Texas, defining interest and providing that all written contracts for interest in excess of ten per cent, per annum, shall be null and void as to principal and interest; providing for its submission to the voters as required by the Constitution and making an appropriation therefor.

Referred to Committee on Constitutional Amendments.

## SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 393, to the Committee on Appropriations.

Senate Bill No. 234, to the Committee on Appropriations.

Senate Bill No. 56, to the Committee on Agriculture.

Senate Bill No. 238, to the Committee on Privileges, Suffrage, and Elections.

## HOUSE BILL NO. 674 ON SECOND READING

(By Unanimous Consent)

On motion of Mr. Adamson, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 674, A bill to be entitled "An Act to amend Chapter 175, page 252, Acts of the Fortieth Legislature, 1927, so as to permit the adding of an additional section to permit the Highway Commission of Texas to acquire, construct, and maintain interstate bridges without the joinder of the highway commissions of the adjoining States, and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Mr. Adamson offered the following committee amendment to the bill:

Amend House Bill No. 674 by striking out all of Section 4-a in Section 1 and inserting in lieu thereof the following:

"In the event the highway commissions of the States adjoining the State of Texas are unwilling, or unable by the provisions of their laws, to join with Texas in acquiring bridges and franchises across Red River, then in such event the Highway Commission of Texas is authorized to acquire such bridges and franchises as may cross the northern boundary of Texas over Red River, without the joinder of such neighboring States or its highway commission. Provided, however, that in such purchase the replacement value of the physical properties only shall constitute the purchase price, and in no event shall more than \$100,000 be expended; and provided further, that the Highway Commission of Texas is hereby authorized only to purchase such bridges as may have owned a right of operation existing for forty years or more prior to the date of this Act."

Mr. Lotief offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 674 by striking out the figure of "\$100,000" and insert in lieu thereof the amount and figure of "\$50,000."

The amendment was adopted.

The committee amendment as amended was then adopted.

Mr. Adamson offered the following committee amendment to the bill:

Amend the caption of House Bill No. 674 to conform to changes in the body of the bill.

The amendment was adopted.

House Bill No. 674 was then passed to engrossment.

### HOUSE BILL NO. 674 ON THIRD READING

Mr. Adamson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 674 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—94

Adamson	King
Adkins	Knetsch
Aikin	Lanning
Alexander	Latham
Alsup	Lemens
Bourne	Lindsey
Bradbury	Lotief
Burton	Mauritz
Butler of Brazos	McConnell
Butler of Karnes	McKee
Cagle	McKinney
Caldwell	Moore
Canon	Morris
Clayton	Morrison
Collins	Newton
Colquitt	Nicholson
Colson	Olsen
Cooper	Padgett
Cowley	Payne
Dickison	Pope
Dunagan	Quinn
Duvall	Reader
Dwyer	Reed of Bowie
England	Reed of Dallas
Fisher	Riddle
Fitzwater	Roach of Angelina
Fox	Roach of Hunt
Gibson	Roberts
Glass	Russell
Graves	Rutta
Gray	Settle
Hankamer	Shofner
Hanna	Smith
Harris of Archer	Spears
Harris of Dallas	Steward
Head	Stinson
Herzik	Tennyson
Hodges	Thornton
Hoskins	Tillery
Hunt	Venable
Hunter	Waggoner
Hyder	Walker
Jackson	Wells
James	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Shelby	Worley
Jones of Wise	Youngblood

#### Nays—15

Bergman	Luker
Craddock	McFarland
Crossley	Patterson
Davison of Fisher	Roark
Fain	Rogers
Fuchs	Stovall
Hardin	Westfall
Lucas	

#### Absent

Ash	Bradford
Atchison	Calvert

Celaya	Jones of Atascosa
Daniel	Jones of Runnels
Davisson	Keefe
of Eastland	Lange
Dunlap of Kleberg	Leath
Ford	Leonard
Good	Moffett
Greathouse	Morse
Hartzog	Palmer
Hill	Petsch
Hofheinz	Roane
Holland	Scarborough
Howard	Stanfield
Huddleston	Tarwater
Jefferson	Young

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

The Speaker then laid House Bill No. 674 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—84

Adamson	Hoskins
Adkins	Hunt
Alexander	Hunter
Alsup	Hyder
Atchison	Jackson
Bourne	James
Bradbury	Jones of Falls
Burton	Jones of Runnels
Butler of Brazos	Jones of Shelby
Cagle	Jones of Wise
Caldwell	Lange
Canon	Lanning
Clayton	Latham
Collins	Lemens
Colquitt	Lindsey
Colson	McConnell
Cooper	McKee
Cowley	Moore
Dickison	Morris
Dunagan	Morrison
Duvall	Newton
Dwyer	Nicholson
England	Olsen
Fitzwater	Padgett
Ford	Petsch
Fox	Reader
Gibson	Reed of Bowie
Glass	Reed of Dallas
Good	Riddle
Gray	Roach of Angelina
Hankamer	Roach of Hunt
Hardin	Russell
Harris of Archer	Rutta
Harris of Dallas	Settle
Head	Shofner
Herzik	Smith
Hodges	Spears

Steward	Waggoner
Stinson	Wells
Thornton	Wood of Harrison
Tillery	Wood of Montague
Venable	Worley

## Nays—27

Aikin	Mauritz
Bergman	McFarland
Craddock	Palmer
Crossley	Patterson
Davison of Fisher	Pope
Fain	Quinn
Fisher	Roark
Fuchs	Roberts
Greathouse	Stovall
Hanna	Tennyson
King	Walker
Lotief	Westfall
Lucas	Youngblood
Luker	

## Present—Not Voting

Roane

## Absent

Ash	Jefferson
Bradford	Jones of Atascosa
Butler of Karnes	Keefe
Calvert	Knetsch
Celaya	Leath
Daniel	Leonard
Davisson	McKinney
of Eastland	Moffett
Dunlap of Kleberg	Morse
Graves	Payne
Hartzog	Rogers
Hill	Scarborough
Hofheinz	Stanfield
Holland	Tarwater
Howard	Young
Huddleston	

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

HOUSE BILL NO. 895 ON PASSAGE  
TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 895, A bill to be entitled "An Act to promote public morals, by abolishing certain causes of action, practices and proceedings, which are commonly used as means of extortion; abolishing civil causes of action for alienation of affections, criminal conversation, and seduction; abolishing causes of action for breach of contract to marry; fixing the operation, effect, status, and character of

acts hereafter done within this State, and of contracts to marry which shall hereafter be made within this State, etc., and declaring an emergency",

The bill having been read second time on Saturday, April 13, with amendment by Mr. McCalla, pending.

By unanimous consent of the House, the amendment by Mr. McCalla was withdrawn.

Mr. Knetsch offered the following amendments to the bill:

Amend House Bill No. 895, by striking out all of Sections 3, 4, 5, and 8, and renumbering sections to conform.

KNETSCH,  
McCALLA.

Amend House Bill No. 895, by striking out the following:

Beginning with the word "it" in line 26, page 4, Section 7, including everything through line 37, page 4, Section 7.

KNETSCH,  
McCALLA.

The amendments were severally adopted.

Mrs. Moore offered the following amendments to the bill:

Amend House Bill No. 895 by writing a new section to be known as Section—, said section to read as follows:

"The fact that many and sundry suits are being filed in Texas for the purpose of extorting money from innocent persons, and the fact that said character of litigation has almost become a racket in Texas, and the fact that the filing and maintaining of such suits attacks the morals of persons and are slanderous and defamatory, and the fact that such litigation is a reflection on proper procedure in the State of Texas, constitutes an emergency and imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be suspended, and said rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted."

Amend the caption of House Bill No. 895 to conform to the changes and with the body of the bill.

The amendments were severally adopted.

(Mr. Latham in the Chair.)

Mr. Head moved to table House Bill No. 895.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—64

Adamson	Jones of Falls
Adkins	Jones of Runnels
Aikin	Jones of Wise
Alsup	Lanning
Bourne	Lemens
Bradbury	Lindsey
Bradford	Lucas
Cagle	Luker
Canon	McConnell
Colson	Morris
Cooper	Morrison
Cowley	Newton
Craddock	Palmer
Davison of Fisher	Payne
Davisson	Petsch
of Eastland	Reed of Bowie
Dunagan	Roach of Angelina
England	Roach of Hunt
Fain	Russell
Fox	Scarborough
Fuchs	Shofner
Gibson	Smith
Glass	Stanfield
Greathouse	Stovall
Hankamer	Tarwater
Hanna	Tillery
Hardin	Venable
Harris of Archer	Westfall
Harris of Dallas	Wood of Harrison
Head	Wood of Montague
Hoskins	Worley
Huddleston	Young
Hunt	

Nays—56

Alexander	Hyder
Ash	Jackson
Atchison	James
Burton	Jones of Shelby
Butler of Brazos	King
Caldwell	Knetsch
Calvert	Lotief
Clayton	Mauritz
Collins	McFarland
Colquitt	McKee
Crossley	McKinney
Dickison	Moffett
Dwyer	Moore
Fisher	Nicholson
Fitzwater	Olsen
Good	Padgett
Graves	Patterson
Gray	Pope
Hartzog	Quinn
Herzik	Reader
Hill	Reed of Dallas
Holland	Roark
Howard	Roberts
Hunter	Rogers

Rutta	Thornton
Steward	Waggoner
Stinson	Wells
Tennyson	Youngblood

## Present—Not Voting

Bergman	Latham
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## Absent

Butler of Karnes	Keefe
Celaya	Lange
Daniel	Leath
Dunlap of Kleberg	Leonard
Duvall	Morse
Ford	Riddle
Hodges	Roane
Hofheinz	Settle
Jefferson	Spears
Jones of Atascosa	Walker

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

**BILLS AND RESOLUTIONS  
SIGNED BY THE  
SPEAKER**

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolutions:

S. B. No. 227, "An Act creating a State Conservation Board; providing for its duties; fixing the membership thereof; providing for its organization; conferring on it authority to adopt rules and regulations governing its organization and the conduct of its business; providing its authority, etc."

S. B. No. 497, "An Act to provide that the District Attorney of the Twelfth Judicial District of Texas shall receive the same per diem for not to exceed fifteen days in excess of the maximum number of days provided by the Acts of the Regular Session of the Forty-third Legislature as he receives now under the provisions of said Acts; providing that nothing herein shall change the law effective on this date with reference to the expenses of said district attorney while in the performance of his official duties outside of the county of his residence, and declaring an emergency."

H. B. No. 405, "An Act providing for a closed season on the killing or possessing of squirrels in the Counties of Leon and Madison from the first day of January of each year, through, and including the fifteenth day of May of each year, and during the months of August and September of each year; etc., and declaring an emergency."

H. C. R. No. 99, Recalling House Bill No. 257 from the Governor's Office.

H. C. R. No. 100, Granting Judge W. F. Robertson permission to leave the State.

**HOUSE BILL NO. 479 ON SECOND  
READING**

On motion of Mr. Canon, by unanimous consent, the regular order of business was suspended ot take up, and have placed on its second reading and passage to engrossment,

H. B. No. 479, A bill to be entitled "An Act to amend Chapter 212, Sections 3, 5, 8, of the General Laws of the Fortieth Legislature, Regular Session; providing for the reorganization of the Texas Prison Board; fixing their terms of office; providing for their regular meeting place; providing for special meetings and providing for a quorum of the Texas Prison Board; providing for the control of the Texas Prison System by the Texas Prison Board through the general manager selected by the Prison Board, and declaring an emergency."

The Chair laid the bill before the House, and it was read second time.

Mr. McKinney offered the following amendment to the bill:

Amend House Bill No. 479, page 1, by changing the word "three" in line 21 to "six," and by changing the words "one member" in line 29 to read "two members," and by changing the words "one member" in line 30 to read "two members" and by changing the words "one member" in line 31 to read "two members."

McKINNEY,  
CANON.

The amendment was adopted.

Mr. McKinney offered the following amendment to the bill:

Amend House Bill No. 479, page 1, by adding in line 21 after the word

"six" and before the first syllable of the word "members" the word "male".

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 479 was then passed to engrossment.

### HOUSE BILL NO. 479 ON THIRD READING

Mr. McKinney moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 479 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105

Adamson	Hoskins
Adkins	Hunter
Aikin	Hyder
Alexander	Jackson
Alsup	James
Ash	Jefferson
Atchison	Jones of Atascosa
Bergman	Jones of Falls
Bourne	Jones of Runnels
Bradbury	Jones of Shelby
Bradford	Jones of Wise
Burton	Keefe
Butler of Brazos	King
Cagle	Knetsch
Canon	Lanning
Clayton	Lemens
Collins	Leonard
Colquitt	Lindsey
Colson	Lotief
Cowley	Lucas
Craddock	Luker
Crossley	McConnell
Daniel	McFarland
Davison of Fisher	McKee
Davisson	McKinney
of Eastland	Moffett
Dickison	Moore
Dunagan	Morris
Duvall	Morrison
England	Morse
Fain	Newton
Fisher	Nicholson
Fitzwater	Palmer
Gibson	Patterson
Glass	Payne
Gray	Pope
Greathouse	Quinn
Hankamer	Reed of Bowie
Hanna	Reed of Dallas
Harris of Archer	Riddle
Harris of Dallas	Roach of Angelina
Head	Roach of Hunt
Hodges	Roark

Roberts  
Rogers  
Russell  
Rutta  
Shofner  
Steward  
Stinson  
Stovall  
Tarwater  
Tennyson

Thornton  
Tillery  
Venable  
Waggoner  
Walker  
Wells  
Westfall  
Wood of Harrison  
Wood of Montague  
Young

Nays—14

Caldwell  
Ford  
Fox  
Good  
Hardin  
Hartzog  
Howard

Huddleston  
Hunt  
Mauritz  
Roane  
Scarborough  
Smith  
Youngblood

Absent

Butler of Karnes	Lange
Calvert	Latham
Celaya	Leath
Cooper	Olsen
Dunlap of Kleberg	Padgett
Dwyer	Petsch
Fuchs	Reader
Graves	Settle
Herzik	Spears
Hill	Stanfield
Hofheinz	Worley
Holland	

Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

The Chair then laid House Bill No. 479 before the House on its third reading and final passage.

The bill was read third time.

Mr. McFarland offered the following amendment to the bill:

Amend House Bill No. 479 by striking out the word "two" in line 9, page 2, Section 2, and inserting in lieu thereof the word "four."

McFARLAND,  
McKINNEY.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 479 was then passed by the following vote:

Yeas—107

Adamson	Alexander
Adkins	Alsup
Aikin	Ash

Bergman	Leonard
Bourne	Lindsey
Bradbury	Lotief
Bradford	Lucas
Burton	Luker
Butler of Brazos	McConnell
Canon	McKee
Clayton	McKinney
Collins	Moffett
Colquitt	Moore
Colson	Morris
Cooper	Morrison
Cowley	Morse
Craddock	Newton
Daniel	Nicholson
Davison of Fisher	Patterson
Davisson	Payne
of Eastland	Petsch
Dickison	Pope
Dunagan	Quinn
Duvall	Reed of Bowie
England	Reed of Dallas
Fain	Riddle
Fisher	Roach of Angelina
Fitzwater	Roach of Hunt
Gibson	Roark
Glass	Roberts
Graves	Rogers
Gray	Russell
Greathouse	Scarborough
Hankamer	Settle
Hanna	Shofner
Harris of Dallas	Smith
Head	Stanfield
Herzik	Steward
Hodges	Stinson
Hoskins	Stovall
Howard	Tarwater
Hunter	Tennyson
Hyder	Thornton
Jackson	Tillery
James	Venable
Jefferson	Waggoner
Jones of Atascosa	Walker
Jones of Falls	Wells
Jones of Runnels	Westfall
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
King	Worley
Knetsch	Young
Lange	Youngblood

## Nays—13

Atchison	Huddleston
Caldwell	Hunt
Crossley	Lemens
Ford	Olsen
Fox	Roane
Good	Rutta
Hartzog	

## Absent

Butler of Karnes	Dunlap of Kleberg
Cagle	Dwyer
Calvert	Fuchs
Celaya	Hardin

Harris of Archer	Leath
Hill	Mauritz
Hofheinz	McFarland
Holland	Padgett
Keefe	Palmer
Lanning	Reader
Latham	Spears

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

SENATE JOINT RESOLUTION NO.  
26 ON SECOND READING

The House resumed consideration of pending business, same being Senate Joint Resolution No. 26, proposing certain amendment to the State Constitution in regard to the Board of Pardons and Paroles;

The resolution having been read second time on this morning, with amendment by Mr. Alexander, as amended by amendment by Mr. Gray, and amendment by Mr. Pope to the amendment, pending.

Question recurring on the amendment by Mr. Pope, it was adopted.

Mr. Morrison offered the following amendment to the amendment by Mr. Alexander:

Amend amendment to Senate Joint Resolution No. 26, in line 2, Section 2, after the word "power," by adding the following: "to grant one reprieve in any capital case not to exceed thirty days, but all further reprieves shall be made only upon the recommendation and advice of the Board, or a majority thereof."

The amendment was adopted.

Mr. Rogers offered the following amendment to the amendment by Mr. Alexander:

Amend amendment to Senate Joint Resolution No. 26 by striking out "\$5,000" in Section 4 and inserting "\$7,500."

The amendment was adopted.

The amendment by Mr. Alexander, as amended, was then adopted.

By unanimous consent of the House, the resolving clause of the resolution was ordered amended to conform to all changes and with the body of the resolution.

Senate Joint Resolution No. 26 was then passed by the following vote:



## Yeas—112

Adamson	Jones of Shelby
Adkins	Jones of Wise
Aikin	Keefe
Alexander	Knetsch
Alsup	Lanning
Atchison	Lemens
Bergman	Leonard
Bourne	Lindsey
Bradbury	Luker
Bradford	Mauritz
Burton	McConnell
Butler of Brazos	McFarland
Cagle	McKee
Calvert	Moffett
Canon	Morris
Clayton	Morrison
Collins	Morse
Colquitt	Newton
Colson	Nicholson
Cooper	Olsen
Craddock	Palmer
Crossley	Patterson
Daniel	Petsch
Davisson	Pope
of Eastland	Quinn
Dickison	Reader
Dunagan	Reed of Bowie
Duvall	Riddle
England	Roach of Angelina
Fain	Roach of Hunt
Fisher	Roane
Fitzwater	Roark
Ford	Roberts
Fox	Rogers
Gibson	Rutta
Glass	Scarborough
Gray	Settle
Greathouse	Shofner
Hankamer	Stanfield
Hardin	Steward
Harris of Archer	Stinson
Harris of Dallas	Stovall
Hartzog	Tarwater
Head	Tennyson
Herzik	Thornton
Hodges	Tillery
Hoskins	Venable
Howard	Waggoner
Huddleston	Walker
Hunt	Wells
Hyder	Westfall
Jackson	Wood of Harrison
James	Wood of Montague
Jefferson	Worley
Jones of Atascosa	Young
Jones of Falls	Youngblood
Jones of Runnels	

## Nays—6

Good	Lucas
Hanna	Russell
Lotief	Smith

## Absent

Ash	Butler of Karnes
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Caldwell	Hunter
Celaya	King
Cowley	Lange
Davison of Fisher	Latham
Dunlap of Kleberg	Leath
Dwyer	McKinney
Fuchs	Moore
Graves	Padgett
Hill	Payne
Hofheinz	Reed of Dallas
Holland	Spears

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

SENATE BILL NO. 49 ON PAS-  
SAGE TO THIRD READING

The Chair laid before the House, as unfinished business, on its passage to third reading.

S. B. No. 49, A bill to be entitled "An Act amending Article 297 of the Penal Code providing for the compulsory attendance of children in the public schools, and declaring an emergency";

The bill having heretofore been read second time.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and to the body of the bill.

Senate Bill No. 49 was then passed to third reading.

SENATE BILL NO. 49 ON THIRD  
READING

Mr. Tennyson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 49 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—111

Adamson	Butler of Brazos
Adkins	Cagle
Aikin	Canon
Alsup	Celaya
Ash	Clayton
Atchison	Collins
Bergman	Colquitt
Bourne	Colson
Bradbury	Cooper
Bradford	Craddock
Burton	Daniel

Davison of Fisher	McFarland
Davisson	McKinney
of Eastland	Moffett
Dickison	Morris
Dunagan	Morrison
England	Morse
Fain	Newton
Fisher	Nicholson
Fitzwater	Olsen
Ford	Padgett
Fox	Palmer
Fuchs	Patterson
Gibson	Petsch
Glass	Quinn
Good	Reader
Graves	Reed of Bowie
Gray	Reed of Dallas
Greathouse	Riddle
Hanna	Roach of Angelina
Hardin	Roach of Hunt
Harris of Archer	Roark
Harris of Dallas	Roberts
Hartzog	Rogers
Head	Russell
Herzik	Rutta
Hodges	Scarborough
Hoskins	Smith
Howard	Stanfield
Huddleston	Steward
Hunt	Stinson
Hyder	Stovall
Jackson	Tarwater
James	Tennyson
Jefferson	Thornton
Jones of Atascosa	Tillery
Jones of Falls	Venable
Jones of Runnels	Waggoner
Jones of Shelby	Walker
Jones of Wise	Wells
Lanning	Westfall
Lemens	Wood of Harrison
Lotief	Wood of Montague
Lucas	Worley
Mauritz	Young
McConnell	Youngblood

## Nays—5

Crossley	Lindsey
Hankamer	Roane
Knetsch	

## Absent

Alexander	King
Butler of Karnes	Lange
Caldwell	Latham
Calvert	Leath
Cowley	Leonard
Dunlap of Kleberg	Luker
Duvall	McKee
Dwyer	Moore
Hill	Payne
Hofheinz	Pope
Holland	Settle
Hunter	Shofner
Keefe	Spears

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

The Chair then laid Senate Bill No. 49 before the House on its third reading and final passage.

The bill was read third time, and was passed.

## MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has concurred in House amendments to Senate Bill No. 41 by the following vote: Yeas, 27; nays, 0.

The Senate has adopted

H. C. R. No. 100, Granting Hon. W. F. Robertson, Judge of the One Hundred and Twenty-sixth Judicial District Court of Texas, permission to be absent from the State at certain intervals.

S. J. R. No. 19, Proposing amendment to Section 2 of Article V of the Constitution of the State of Texas, etc.

S. J. R. No. 23, Proposing amendment to Article V of the Constitution of the State of Texas by adding a new section to be known as Section 3-a, etc.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

HOUSE BILL NO. 365 ON PASSAGE  
TO ENGROSSMENT

The Chair laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 365, A bill to be entitled "An Act defining the meaning of certain words, terms, and phrases used in the Act creating the Board of Public Utility Commissioners of Texas; prescribing its official seal; providing for the appointment, qualification, tenure and removal from office of said commissioners; providing for the regulation, government, and supervision of public utilities and their function-

ings, and prescribing, defining, and limiting the jurisdiction, powers, and duties of said board, its members, agents, and employes in connection therewith; levying a tax on public utilities and providing for its assessment and collection; etc., and declaring an emergency";

The bill having heretofore been read second time, with committee amendment by Mr. Graves, pending.

Mr. Pope offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 365 by striking out all after the enacting clause and insert the following:

"Section 1. (a) The term 'corporation,' when used in this Act means a private corporation, an association, a joint stock association, or a business trust.

(b) The term 'person,' when used in this Act, means a natural person, a partnership, or two or more persons having a joint or common interest, and a corporation as hereinbefore defined.

(c) The term 'commissioners court' or 'court' when used in this Act, means the commissioners courts of this State as defined and composed under Title 44 of the 1925 Revised Civil Statutes of Texas, with the amendments thereto, and with the additional duties and powers as herein contained.

(d) The term 'city,' when used in this Act, means any incorporated city or town of this State, whether incorporated under general or special law, and regardless of population.

(e) The term 'governing body,' when used in this Act, means either the commissioners court or the city council or city commission or other governing body of any incorporated city or town of this State.

(f) The term 'public utility' or 'utility,' as used in this Act, means and includes persons, companies and private corporations, their lessees, trustees, and receivers, owning, managing, using, operating, leasing, or controlling within this State any wires, pole lines, conduit lines, wells, franchise, license or permit for either one or more of the following kinds of business, to-wit:

X. Producing, manufacturing, or obtaining, transporting, conveying,

distributing, or delivering gas—and by gas as used in this Act is meant natural gas, artificial gas, mixed gas, either or all for public use or service for compensation:

(1) For sale to the public or municipalities or persons or companies, in those cases to which reference is hereinafter made engaged in distributing or selling natural gas to the public, for sale or delivery of gas to any person or firm or corporation operating under franchise or a contract with any municipality or other legal subdivision of this State, or for sale or delivery of gas to the public for domestic or other use.

(2) Owning or leasing or operating or managing or controlling a pipe line for the transportation or carriage of gas whether for public hire or not, if any part of the right of way for said line has been acquired or may hereafter be acquired by the exercise of the right of eminent domain, if said line or any part thereof is laid upon, over, or under any public road or highway of this State, or street or alley of any municipality or the right of way of any railroad or other public utility; including also any gas utility authorized by law to exercise the right of eminent domain.

(3) Producing or purchasing gas and transporting or causing the same to be transported by pipe line to, into or near the limits of any municipality in which said gas is received and distributed or sold to the public by the public utility, another public utility or any said municipality.

Y. Producing, generating, transmitting, conveying, distributing or delivering electricity for the production of light, heat, or power for public use of service for compensation:

(1) For sale to the public, or to municipalities, or persons, or corporations in cases to which reference is hereinafter made, engaged in distributing or selling electricity to the public, for sale or delivery of electricity to any person or firm or corporation operating under franchise or a contract with any municipality or other legal subdivision of this State or for sale or delivery of electricity to the public for domestic or other use.

(2) Owning, leasing or operating, managing, controlling or using a transmission line, wires, conduits, or other appurtenances for the trans-

portation, carriage or transmission of electricity whether for public hire or not, if any part of the right of way for said transmission lines has been acquired, or may hereafter be acquired by the exercise of the right of eminent domain or if said line or any part thereof is laid upon, over, or under any public road or highway of this State, or street or alley of any municipality or the right of way of any railroad or other public utility including any other utility authorized by law to exercise the right of eminent domain.

(3) Producing or purchasing electric current and transmitting, delivering or causing the same to be transported or delivered by wires, conduit line, or other appurtenances to, into or near the limits of any municipality in which said electricity is received and distributed or sold to the public by the public utility, another public utility or by said municipality.

Z. Conveying, carrying, or transmitting messages, conversations or communications by telephone or telegraph where such service is offered to the public for compensation:

(1) Owning, leasing, operating, using or managing or controlling wires, wire lines, or conduit lines or other appurtenances for conveying or transmitting messages, conversations or communications by telephone or telegraph, whether for public hire or not, if any part of the right of way for said lines has been acquired or may hereafter be acquired by the exercise of the right of eminent domain or otherwise or if said lines or any part thereof are laid upon, over or under any public road or highway of this State, or street or alley of any municipality, or the right of way of any railroad or other public utility, including also any utility authorized by law to exercise the right of eminent domain.

(2) Owning, leasing, operating, managing, controlling or using wires, wire lines or conduit lines for the purpose of carrying, conveying or transmitting by telephone or telegraph message, conversation or communications in, into or near the limits of any municipality in which said messages, conversations, or communications are received and transmitted or conveyed to the public utility or by another public utility or by said municipality.

"Sec. 2. The above definitions are cumulative only and not exclusive, and any person, except a municipal corporation, engaged in any phase of the gas, electric power, electric light, telephone or telegraph business, or any one or more such businesses, in such manner as to be affected with a public interest, is declared to be a public utility and subject to all the provisions of this Act.

"Sec. 3. The term 'public utility' shall, for rate-making purposes only, include all those as hereinbefore defined, producing, generating, or furnishing any of the foregoing services to another person for distribution to or for the public for compensation, provided any person, partnership, association of persons, or corporation, who furnishes the utility services or commodities only for the use of the owner, employes or tenants, when such service or commodity is not resold to or used by others, is exempted from this Act.

"Sec. 4. The term 'public utility' shall not include a municipality or any person not otherwise a public utility, who furnishes the services or commodity only to himself, his employes or tenants when such service or commodity is not resold to or used by others.

"Sec. 5. The term 'rate' when used in this Act, means and includes every compensation, charge, fare, toll, rental and classification or any of them, demanded, observed, charged or collected by any public utility for any service, product or commodity offered by it to the public or other public utility and any rules, regulations, practices or contracts affecting any such compensation, charge, fare, toll, rental or classification.

"Sec. 6. In addition to the duties now imposed upon and the powers of each commissioners court of this State, such commissioners court shall have the jurisdiction, powers and duties and shall exercise and perform the purposes and obligations imposed hereby, in so far as same relate to each respective public utility herein designated in the territory of each court of this State outside of the incorporated cities and towns of such county.

"Sec. 7. In addition to the duties now imposed upon and the powers of each incorporated city and town of

this State, the governing body of such city or town shall have the jurisdiction, powers and duties, and shall exercise and perform the purposes and obligations imposed hereby in so far as same relate to each respective public utility herein designated, in the territory of each such respective incorporated city or town.

"Sec. 8. After this Act takes effect no county commissioner, county judge, county clerk, county attorney, city councilman, city attorney, city commissioner, city secretary, mayor or business manager of any incorporated city or town in this State, who is primarily interested directly or indirectly as employe, stockholder, security holder, or bondholder or trustee or shareholder, shall be eligible to take part in administering this Act or any part thereof.

"Sec. 9. After the next election after this Act becomes effective, before entering upon the duties of his office, each county commissioner, county judge, county attorney, city councilman or city commissioner, mayor or business manager, shall take and subscribe to the constitutional oath of office and shall in addition thereto swear he is not pecuniarily interested, directly or indirectly, in any public utility as herein defined as employe, stockholder, security holder, trustee, shareholder, or bondholder and if any such officer thereafter becomes thus pecuniarily interested in any public utility he shall be subject to removal, as now provided by law, for the removal of county or city officers and no such officer shall be eligible to hold any other public office for two years after he has ceased to be such officer or a member of such commissioners court or city governing body.

"Sec. 10. The county clerk shall keep a full and true record of all proceedings of the commissioners court and perform such other duties as the commissioners court prescribe by virtue hereof. The city secretary shall keep a full and true record of all proceedings of city governing body and perform such other duties as the city governing body may prescribe by virtue hereof.

"Sec. 11. For the performance of the duties relative to public utilities, the commissioners court or city governing body, may appoint, employ, or remove such engineers, accountants, statisticians, assistants, inspectors,

clerks, examiners, experts, and such subordinates as are required therefor, and may appoint on such terms as it may deem advisable counsel and attorneys who are specially skilled in rate matters and such counsel and attorneys shall advise such court or city and represent it in all litigation and court proceedings. The accountants employed by such court or city shall be skilled in the methods of utility accounting and under its direction shall supervise the methods by which the accounts of the public utilities are kept in this State. The examiners employed by such court or city may administer oaths, examine witnesses, and take evidence under such rules and regulations as said court or city may adopt.

"Sec. 12. The compensation of the examiners, attorneys, experts, engineers, statisticians, accountants, inspectors, clerks, and other employes shall be fixed by the court or city.

"Sec. 13. The court or city shall hold meetings at its office and at such other convenient places in the State as may be expedient or necessary for the proper performance of its duties for the purpose hereof.

"Sec. 14. The evidence in any investigation, inquiry, or hearing may be taken by the engineer or examiner to whom such investigation, inquiry, or hearing has been assigned. Every finding, opinion, and order made by the engineer or examiner so assigned, pursuant to such investigation, inquiry, or hearing, when approved or confirmed by the court or city in regular session shall be the finding, opinion and order of the court or city.

"Sec. 15. All decisions and orders of the court or city shall be public records and the clerk or secretary shall make and file with the State Comptroller on or before the fifteenth day of January of each year, a report containing a full and complete account of its transactions and proceedings for the preceding fiscal year.

"Sec. 16. Under such rules and regulations as the court or city may prescribe, every public utility, as herein defined, shall file with the court or city within such time and in such form as the court or city may designate, schedules showing the rates being charged by such utilities. The utility shall keep copies of such schedules open for public inspection under

such rules and regulations as the court or city may prescribe.

"Sec. 17. No public utility shall directly or indirectly by any device, whatsoever or in anywise charge, demand, collect or receive from any person a greater or less compensation for any service rendered or to be rendered by such public utility than prescribed in the schedules of such public utility, applicable thereto, when filed in the manner provided in this Act nor shall any person receive greater or less than that prescribed in such schedules.

"Sec. 18. No public utility shall, as to rates or service, make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantages. No public utility shall establish or maintain any unreasonable difference as to rates between localities or as between classes of service. The court or city may determine any question of fact arising under this section.

"Sec. 19. Every utility described in this Act is hereby declared to be engaged in a business that is affected with a public interest and is subject to the jurisdiction, control and regulation of the court or city in accordance with the provisions of this Act.

"Sec. 20. The original jurisdiction of the court or city, respectively, shall extend to and include all public utilities subject to the provisions of this Act within their respective territories, owning, managing, operating, leasing, using or controlling any wires, lines, pole lines, conduit lines, transmission lines, wells, pipe lines, plants, property, equipment or facilities of any kind or character used for the purpose of conducting the business of such utility within the respective territories of such court and city.

"Sec. 20-a. Within thirty (30) days after this Act takes effect each public utility subject to the provisions hereof shall file with the Secretary of State in Austin, Texas, a statement duly verified by the president, treasurer, general manager and auditor containing the following information:

(1) The complete details of ownership of such utility, whether by persons, firm, corporation, or association together with the full names and addresses of each and every ownership,

stockholder, party of interest and agent or representative.

(2) The amount of capital stock of such corporation or other ownership or agency devoted to the operation of such utility.

(3) A detailed inventory of each and every part or parcel of the physical properties and equipment and the location thereof, the use of same if in use, and if not in use, the location of such as is not in use, the original cost thereof, the present value thereof, the replacement value thereof, and the physical condition thereof, and the estimated life thereof, separately and collectively.

(4) The separate valuations placed upon such utilities as a whole or separate units to each taxing subdivision of the State, the intangible value if any intangible value, that has been fixed or designated by any governmental agency; the name and residence of each and every official, stockholder and interested owner and/or holder of such properties or parts thereof.

(5) Whether such utility was bought or built, and if bought, from whom, when, and at what price; and the character and kind and value when bought or built and the actual replacement value of the properties when purchased, and what betterments and additions have been added, and when same were added, and the cost of such additions or betterments.

(6) What part or parts of said original properties have been discarded, sold, or are now unused, and the actual fair and reasonable value thereof.

(7) What part and the value thereof of such properties is located within or without an incorporated city or town, and the names of such cities or towns in which said properties or parts thereof are located, and the value and full description of the properties located in each such incorporated city or town or in the county or counties outside of such cities or towns, and the names of each such counties.

(8) The gross receipts of such utility for each quarter of the years in which such utility has been in operation beginning with the year 1920, and ending with the end of the first quarter of the year 1935, together with the net earnings and profits

and/or losses for each of said properties for each such quarter.

(9) A schedule of the charges, fares, tolls, rentals, and classifications of each and every item or service charge now collected from or imposed upon the patrons or users of such utility service, and when such rates, charges, fares, tolls, rentals, and classifications and service charges were lowered or raised, and the amount of such raises or reductions for the years beginning January 1, 1920, and ending March 31, 1935, together with a full description of the service, product or commodities offered by such utility to the public or other public utility, and the territory in which such charges, fares, tolls, rentals, classifications, and services were respectively rendered.

(10) The amount of each and every item of indebtedness, and the amount thereof, and to whom due by such utility, together with the debt or the class of such indebtedness, and how, and in what manner same is secured, and a full description of the securities, and the rate of interest on deferred payments including the names and addresses of all creditors of such utility.

(11) List all employees and the monthly payments or salaries paid or due such employees including all officials and employees, and names and addresses, and the character of service daily rendered by each. The monthly operating expenses, including taxes, insurance, and depreciations.

(12) The full volume of service capable of being rendered, the full demand for such service, and the full amount of service actually rendered quarterly for the years beginning January 1, 1920, and ending March 31, 1935.

(13) In whose possession, or where located, the books and accounts and records and evidences of information contained in the statement herein required.

(14) Full classifications of each kind of property, its value, location and use.

(15) Full statement of kind and description and dates and duration of all franchises, privileges and permits.

"Sec. 20-b. That the Secretary of State, the State Auditor, the head of the department of electrical engineering of the Agricultural and Mechanical College of Texas, head of the college of engineering and architec-

ture of the Main University of the State of Texas, and the head valuations expert of the Gas Utilities of the Railroad Commission of the State of Texas, shall compose a board to classify and value the properties of each utility as reflected from the verified statements of said utilities furnished by virtue of Paragraph A next above.

(2) Said board is hereby authorized to require additional or more detailed statements under oath from said utilities than the statement called for in Section 20-a above, if said board may desire.

(3) To verify said statements of said utilities, said board may appoint and/or discharge not exceeding three (3) examiners, three (3) auditors, three (3) statisticians, and three (3) technician engineers at a salary each of three hundred dollars (\$300) per month for a period of not exceeding six (6) months, and six (6) stenographers at a salary each of one hundred dollars (\$100) per month not exceeding six (6) months. Said employees shall assist said board in classifying and codifying the statements of said utilities as a complete source of information for the use of the cities, towns, and courts herein set forth in the fixing of rates and charges of said utilities.

(4) After said board has examined and checked and codified said statements directly and through said agencies, said Board shall evaluate each and every of said utilities at its fair valuation, so said city, towns, and courts may determine the adequate and reasonable price of all the commodities furnished by such utilities. Said board and accountants, examiners, statisticians, and engineers are hereby clothed with all of the privileges and rights and authority given or imposed by virtue of this Act upon the representatives of said cities, towns, and courts.

(5) In addition to the salaries enumerated in this subdivision, the members of said board and other employees shall be allowed traveling expenses when performing any of the duties hereby imposed upon them outside of the City of Austin.

"Sec. 20-c. Every city, town, and court desiring the use of said codified evaluations in fixing the rates and prices of the commodities to be furnished by said utilities, may have the right to use same and the same shall

be introduceable in evidence in any court or other tribunal authorized by virtue of this Act and same shall be prima facie proof of the contents thereof in the trial of all matters referred to in this Act. Said utilities shall quarterly after March 31, 1935, furnish to said Secretary of State supplemental statements in such form as said Board may require, setting out all additions, betterments, incomes, depletions, and changes in the properties of such utilities, and said Board shall annually make supplemental classification, valuation, and codifications of the properties of said utilities and such supplements shall be considered a part of said original codified evaluations, and introduceable in evidence as said original evaluations.

"Sec. 21. The court or city, after due notice to the utility affected, and after due hearing shall fix and establish and enforce the adequate and reasonable price of the commodities furnished by public utilities and fair and reasonable rates of charges and regulations for transmitting, carrying, conveying, producing, transporting, distributing, buying, selling, and delivering such commodities by such utilities in the respective territories of such court or city, and shall establish fair and equitable rules and regulations for the full control and supervision of all wire lines, pole lines, transmission lines, wells, pipe lines, plants, property, equipment and facilities of every kind and character situated within their respective territories, together with all the holdings pertaining to the business conducted by such utility in all of its relations to the public as the court or city may from time to time deem proper, and the said court or city is hereby directed and it becomes its duty, as soon as possible after it begins to function, to establish a fair and equitable division of the proceeds of the sale of the commodities sold by the various utilities herein described between the companies transmitting, conveying, or producing such commodities or communications and the companies distributing or selling such commodities directly to patrons or to other persons or companies to be distributed to individual customers; and it becomes the duty of the court or city immediately after it is organized to prescribe and enforce rules and regulations in their respective territories for the government and

control of such transmission lines, pipe lines and other property used by the various utilities herein described in producing, receiving, transmitting and distributing their various commodities and to regulate and apportion the supply of such commodities between persons, towns, cities and corporations and when the supply of such commodities and particularly in those instances when such commodities are used by domestic consumers and it shall appear that the supply of such commodities is inadequate, the court or city shall prescribe fair and reasonable rules and regulations requiring such utilities to augment their supply of their commodities and products when in the judgment of the court or city it would be practicable for them to do so; and the court or city shall exercise its power whether upon its own motion or upon petition by any person, corporation, municipal corporation, county or commissioners precinct claiming an interest in this subject, or upon petition of the Attorney General or of any city, county, or district attorney in any county wherein such business or any part thereof may be carried on.

"Sec. 22. When the court or city has ordered any existing rate reduced or has refused an application for an increase, the utility affected by such order may appeal to any district court of the county of such court or city by filing with it on such terms and conditions as such district court may direct, a petition and bond to review the decision, regulation, ordinance or order of the commissioners court or city. Upon such appeal being taken the district court shall set a hearing and make such order or decision in regard to the matter involved therein as it may deem just and reasonable. The district court shall hear such appeal from the commissioners courts de novo and shall have power to substitute an entirely new rate, change or alter the existing rate, prepare an entirely new rate structure, and or make such other and further orders as may be consistent with establishing fair and reasonable rates to be charged the patrons in such territory for the commodity furnished and services rendered by the utility. The district court may immediately after it has acquired jurisdiction of the appeal suspend the existing rate and establish a temporary rate structure, if the circumstances and facts in the



case should warrant such action by the district court and affirm or annul in toto the orders of cities. Whenever any utility whose rates have been fixed by any commissioners court or city, desires a change of any of its rates, rentals or charge it shall make its application to the court or city wherein such utility desires such change and such court or city shall determine said application within a reasonable time and not to exceed 120 days after presentation unless the determination thereof may be longer deferred by agreement. If the court or city should reject such application or fail or refuse to act on it within said time then the utility may appeal to the district court as hereinabove provided. The said district court shall determine the matter involved in any such appeal as soon as it is practicable to do so after the filing of such appeal with said district court, and the rates fixed by the court or city shall remain in full force and effect until ordered changed or altered as hereinabove provided. In all rate hearings the burden of proof shall be upon the utility.

"Sec. 23. If any utility or party dissatisfied with the decision of any rate, classification, rule, charge, order, act, or regulation adopted by the court or city shall file a petition in said district court, such appeal must be perfected within sixty days from date of the order of the court or city. Said action shall have precedence on the docket over all other causes of a different nature, and said case shall be tried in the same manner as all other civil cases. Either party to said action may have the right of appeal; and said appeal shall be at once returnable to the appellate court and said action so appealed shall have precedence in said appellate court over all causes of a different character therein pending. If the district court be in session at the time such appeal accrues, the suit may be filed during such term and stand ready for trial after ten days' notice.

"Sec. 24. Every utility, as defined herein, shall have an office in one of the counties of this State in which its property or some part thereof is located and shall keep in said office all books, accounts, papers, records, vouchers, and receipts, which any court or city shall require. No books, accounts, papers, records, receipts, vouchers, or other data required by

any court or city to be kept shall be at any time removed from this State.

"Sec. 25. All orders and agreements of any company or corporation or any person or persons controlling utilities as herein defined, establishing and prescribing prices, rates, rules, and regulations and conditions of service shall be subject to review, revision, and regulation by the court or city on hearing after notice as provided for herein to the person, firm, corporation, partnership or joint stock association owning or controlling or operating the utility affected.

"Sec. 26. No public utility shall discriminate in favor of or against any person, place, or corporation either in apportioning the supply of its commodities or its charges therefor. And no public utility described in this Act shall be permitted to conduct its business in this State if it should fail or refuse to subject itself to the jurisdiction of any court or city as provided in this Act.

"Sec. 27. Any court or city may, upon reasonable notice had upon its own motion or complaint, ascertain and fix just and reasonable standards, classifications, regulations, practices or services to be furnished, imposed, observed and followed by any or all public utilities; ascertain and fix adequate and reasonable standards for the measurement of quality, quantity, pressure, initial voltage or other condition pertaining to the supply of the product, commodity or service furnished or rendered by all public utilities within its respective territory; prescribe reasonable regulations for the examination and testing of such product, commodity, or service and for the measurement thereof; establish or approve reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurement; and provide for the examinations and testing of any and all appliances used for measurement of product, commodity, or service of any public utility.

"Sec. 28. The court or city may, on hearing after reasonable notice, ascertain and fix the value of the whole or any part of the property of any public utility insofar as the same is material to the exercise of the jurisdiction of the court or city and may make revaluations from time to time and ascertain the value of all new construction, extensions and additions to the property of every public utility.

"Sec. 29. The court or city may establish a system of accounts to be kept by the public utilities, subject to its jurisdiction, or may classify said public utilities and establish a system of accounts for each class, and prescribe the manner in which such accounts shall be kept.

"Sec. 30. The court or city, through its agents and employes may, during all reasonable hours, enter upon any premises occupied by any public utility, for the purpose of making the examinations and tests and exercising any power provided for in this Act, and may set up and use on such premises any apparatus and appliances necessary therefor. Such public utility shall have the right to be represented at the making of such examination, tests, and inspections.

"Sec. 31. The court or city may require any public utility to file annual reports in such form and of such content as the court or city may deem necessary and special reports concerning any matter about which the court or city is authorized to inquire or to keep itself informed, or which it is required to enforce. All reports shall be under oath when required.

"Sec. 32. The court or city may, on its own motion and whenever it may be necessary in the performance of its duties, investigate and examine the condition and management of public utilities or any particular utility operation within its jurisdiction. In conducting such investigations the court or city may proceed either with or without a hearing, as it may deem best, but it shall make no order without affording the parties affected thereby a hearing.

"Sec. 33. The court or city may, in addition to the hearings especially provided for by this Act, conduct such hearings as may be required in the administration of the powers and duties conferred upon it by this Act and by other Acts relating to public utilities. Reasonable notice of all such hearings shall be given the person interested therein.

"Sec. 34. All hearings, investigations, and proceedings shall be governed by this Act and by rules of practice and procedure to be adopted by the court or city.

"Sec. 35. The court or city may issue subpoenas, subpoenas duces tecum and all necessary processes in

proceedings pending before it, and such processes of courts of record.

"Sec. 36. The court or city and each of its agents or employes for the purpose mentioned in this Act, may administer oaths, examine witnesses and certify official acts, in case of failure on the part of any person or persons to comply with any lawful order of the court or city or with any subpoena or subpoenas duces tecum or in the case of the refusal of any witness to testify concerning any matter on which he may be interrogated lawfully, any court of record of general jurisdiction or a judge thereof, may, on application of the court or city, compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

"Sec. 37. The court or city or any party to the proceedings may, in any investigation or hearing before the court or city, cause the depositions of witnesses residing within or without the State to be taken in the manner prescribed by law for taking depositions in civil actions.

"Sec. 38. No person shall be excused from testifying or from producing any book, document, paper or account in any investigation, or inquiry by, or hearing before, the court or city when ordered to do so, upon the ground that the testimony or evidence, book, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture of penalty for or on account of any act, transaction, matter or thing concerning which he shall have been compelled under oath to testify or produce documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

"Sec. 39. Copies of official documents and orders filed or deposited according to law in the office of the court or city, certified by the clerk or secretary under the official seal of the court or city to be copies of the original, shall be evidence in like manner as the originals in all matters and proceedings where the originals would be evidence.

"Sec. 40. Every order, finding, authorization or certificate issued or ap-

proved by the court or city under any provisions of this Act shall be in writing and entered on the records of the court or city. A certificate under the seal of the court or city that any such order, finding, authorization or certificate has not been modified, stayed, suspended or revoked, shall be received as evidence in any proceedings as to the facts therein stated.

"Sec. 41. Witnesses who are summoned before the court or city shall be paid the same fees and mileage as are paid to witnesses in the courts of record of general jurisdiction. Witnesses whose depositions are taken pursuant to the provisions of this Act, and the officer taking the same, shall be entitled to the same fees as are paid for like services in such courts.

"Sec. 42. The court or city or any person employed by the court or city for that purpose, may at any and all times during reasonable hours inspect the accounts, books, papers and documents of any public utility, and make copies thereof. Any person demanding such inspection shall produce under the seal of the court or city his authority to make such inspection.

"Sec. 43. The court or city may require, by order served on any public utility in the manner provided herein for the service of orders, the production within this State at such times and place as it may designate, of any books, accounts, papers or records of the public utility relating to its business or affairs within the State, pertinent to any lawful inquiry and kept by said public utility in any office or place without this State or, at its option, verified copies in lieu thereof, so that an examination thereof may be made by the court or city or under its direction.

"Sec. 44. The court or city, on its own motion or on complaint of any person having an interest in the subject matter, including any act or thing done or omitted to be done by any public utility in violation or claimed violation of any law which the court or city has jurisdiction to administer, or any order or rule it may make.

"Sec. 45. Upon the filing of a complaint, the court or city shall cause a copy thereof to be served upon the person complained of. Service in all

hearings, investigations and proceedings pending before the court or city shall be made personally or by registered mail as the court or city may direct.

"Sec. 46. Should any person, firm, corporation, trustee or lessee owning, operating, or conducting a public utility violate any of the provisions of this Act or any rule or regulation of the court or city shall, whenever in its judgment the public interest require it, make application to a court of competent jurisdiction for a receivership of any such concern guilty of such violation. Such a receivership shall control and manage the property of such utility under the direction of the district court as provided by law in receivership matters. The grounds for appointment of a receiver provided for in this article shall be in addition to other grounds provided by law. No receiver as provided for herein shall be appointed until after five days' notice has been given to the utility affected by the filing of the petition for receivership.

"Sec. 47. Any person or corporation, which violates any provision of this Act, which fails, omits or neglects to obey, observe or comply with any lawful order or any part or provision thereof of the court or city, is subject to a penalty of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each offense, and each day of delay or disobedience shall constitute a separate offense.

"Sec. 48. In construing and enforcing the provisions of this Act relating to penalties, this act, omission or failure of any official, agent or employee of any corporation or person acting within the scope of his official duties or employment shall in every case be deemed to be also the act, omission or failure of such corporation or person.

"Sec. 49. Every violation of the provisions of this Act or of any lawful order of the court or city or any part or portion thereof by any corporation or person is a separate and distinct offense and in case of a continuance thereof shall be deemed to be a separate and distinct offense of each agent, officer and employee so offending.

"Sec. 50. All penalties accruing under this Act shall be cumulative and a suit for the recovery of one penalty

shall not be a bar to or effect the recovery of any other penalties or forfeiture or be a bar to any criminal prosecution against any public utility or any official, director, agent or employe thereof, or any other corporation or person.

"Sec. 51. Actions to recover penalties under this Act shall be brought in the name of the State of Texas, in the relation of such court or city making the complaint, in any court of competent jurisdiction.

"Sec. 52. That the rates and service of any public service plant, property, equipment or facilities owned or operated by a municipality; or that shall hereafter be owned or operated by municipalities, shall not be subject to the jurisdiction, regulation or control of this Act, and provided further, this Act shall never be construed as taking from the municipalities of this State any authority, jurisdiction or power under any statute or charter, to fix and regulate the rates, fares and charges as provided by said statute or charter; except as otherwise provided herein, nor shall any provision of this Act be construed so as to affect existing franchises heretofore granted, nor to prevent or affect the power or right of any city to grant franchises to public utilities and regulate same as herein provided.

"Sec. 53. Every public utility as defined in this Act, whether its property be wholly situated within the boundaries of an incorporated city or otherwise, shall, on or before the first day of January, and quarterly thereafter, file with the court or city a statement duly verified under oath as true and correct by the president, treasurer, general manager, or other duly authorized officer of such utility showing the gross receipts of such utility for the quarter next preceding or for such portion of said quarterly period as such utility may have been conducting any business.

"Sec. 54. Any patron of any utility herein defined, subject to the regulatory jurisdiction of any court or city, may apply to the governing body thereof for a reduction in rates, which shall be acted on by said governing body within twenty days, and, if refused, he shall have the right of appeal to the district court under such rules and regulations as the court or city may prescribe and as herein fixed, and should said governing body

fail or refuse to so act within twenty days as above set forth, then the same shall be deemed to have been refused.

"Sec. 55. It shall be unlawful for any utility herein defined to charge, either directly or indirectly, any rate or fee or fare, as a horse power or kilowatt or special demand, in excess of the charges made for consumption of power as shown from meter readings, and any utility making such horse power or kilowatt or special demand in excess of meter readings shall, in addition to the other penalties herein provided, have its charter, or privilege or franchise forfeited according to the procedure for violations of the anti-trust laws of Texas.

"Sec. 56. It shall be unlawful for any utility herein defined to acquire the shares or certificates of stock or bonds, or other rights, or the physical properties or any part thereof of any other of the utilities herein defined or of any other corporation for the purpose of preventing or lessening, or where the effect of such acquisition tends to affect or lessen competition, whether such acquisition is accomplished directly or through the instrumentalities of agents, employes, stockholders, trustees or otherwise.

"Sec. 57. It shall be unlawful for any court or city to give or attempt to give an exclusive franchise or right or privilege to any firm, person, or corporation to engage in the business of any one of the utilities as herein defined.

"Sec. 58. It shall be unlawful for any court or city to refuse to grant any franchise or right or privilege to any firm, person, or corporation to install, build, erect, or engage in the business of any utility herein defined, because such new enterprise might produce or tend to produce competition to some utility then in existence. Such firm, person or corporation shall have the right to limit the territory in which and to limit the number of its patrons to whom such utility service may be supplied.

"Sec. 59. It shall be unlawful for any utility herein defined through its officers, stockholders, shareholders, trustees, agents, or representatives, or otherwise, to control the policy or the majority stock or ownership of any publishing business, or the manufacture, making, transportation, sale, or purchase of any merchandise, products, or commodities other than that authorized to be done by such utilities herein defined.

"Sec. 60. It shall be unlawful for any utility herein defined to engage in any other or additional business as a part of or jointly with one of the kinds of business herein defined.

"Sec. 61. It shall be unlawful for any utility herein defined to deny to any subscriber or user of any telephone the right to restrict his telephone by written notice to the utility, against all charges for long distance calls.

"Sec. 62. If any utility herein defined shall make any requirement for a cash deposit of any amount as a condition precedent to supplying service, such utility shall pay interest on such deposit at same rate as such utility is authorized to make on its investment. In lieu of such cash deposit the subscriber may pledge security in lieu of such cash deposit.

"Sec. 63. No corporation, except one chartered under the laws of Texas or one having a permit to do business in this State, shall be authorized or permitted to construct, build, operate, acquire, own or maintain any public utility or part thereof within this State.

"Sec. 64. Every public utility operating in this State shall keep and maintain permanently a general office in this State.

"Sec. 65. All books, records and other documents in any way relating to the business or property of every utility operating in this State shall be kept at a general office of such utility in Texas and they shall be kept open for inspection and examination under the provisions hereof, to the agent or representative of any such court or city.

"Sec. 66. Should any section, article or provision or any part of this Act be declared to be unconstitutional and void by a court of competent jurisdiction, such decision shall in no way effect the validity of any of the remaining parts of this Act, unless the part held void is indispensable to the operation of the remaining parts. The Legislature hereby declares that it would have passed those parts of this Act which are valid and omitted any parts which may be unconstitutional if it had known that such parts were unconstitutional at the time of the passage of this Act.

"Sec. 67. That Article 1124 of the Revised Civil Statutes of Texas be amended so as to hereafter read as follows, to-wit:

"Article 1124. Every commissioners court and every city having a special charter or a charter adopted or amended under the provisions of Chapter 13 of Title 28, Revised Civil Statutes of 1925, shall have authority to determine, fix and regulate the charges, fares or rates of compensation to be charged by any person, firm, or corporation enjoying a franchise in said respective county or city, and shall, in determining, fixing and regulating such charges, fares or rates of compensation, base the same upon the fair value of the property of such person, firm or corporation devoted to furnishing such service, and not upon any stocks or bonds issued or authorized to be issued by, or any other indebtedness of, such person, firm or corporation. No court or city shall be responsible for, concerned with, authorize, approve or have jurisdiction over, the issuance or sale of any stocks or bonds by any such person, firm or corporation, but the issuance and sale thereof shall be governed solely by the Constitution and Laws of this State applicable thereto."

"Sec. 68. That Article 1125 of the 1925 Revised Civil Statutes of Texas be amended so as to hereafter read as follows, to-wit:

"Article 1125. All extortionate and unreasonable rates charged by public utility corporations, as herein defined, are hereby declared to be unlawful; and the district courts of this State are hereby vested with appellate jurisdiction, with full power and authority to regulate, prevent and abolish the same under the rules as herein fixed and said district courts are given the power and authority whenever the public interest may require after said appeal thereto, to fix and establish rates for the service and products of all public utility corporations, and whenever the public interest may require and to carry out the provisions herein conferred, said courts are hereby expressly authorized to issue injunctions, quo warranto, and all other writs for the purpose of carrying out and making effective the purposes of this chapter, and said writs shall be governed by the rules and regulations now prescribed by law. No original proceeding shall be begun in the district court having for its purpose the fixing of rates of public utility corporations until and unless the commissioners court or

city shall have fixed the rates as herein provided and appeal is had or taken to such court.

"Sec. 69. That Article 1126 of the 1925 Revised Civil Statutes of Texas be amended so as to hereafter read as follows, to wit:

"Article 1126. If any commissioners court or city shall desire to invoke the power of the district court granted in the preceding article such commissioners court or city may do so by appeal to such district court as herein provided."

"Sec. 70. Article 1127. If, within twenty days after the said utility has been furnished with a copy of the resolution fixing the rates or charges and such rates or charges be not complied with, such commissioners court or city may apply to the district court of such county for a mandamus, requiring compliance with such rates and charges. Process shall be issued upon said petition, and be served upon such utility as now provided by law in civil cases. The case shall be set for trial in the same manner as other civil cases, except that it shall have precedence over all cases of a different character filed in such court at the time of trial. Process shall issue in said cause in the same manner as process may issue in civil cases. The right of trial by jury of the issues involved shall also be given upon the demand of either party. Nothing herein contained shall limit the other remedies provided herein for requiring compliance with said city or court resolution fixing such rates or charges.

"Sec. 71. That Article 1128 of the Revised Civil Statutes of Texas be amended so as to hereafter read as follows, to wit:

"Article 1128. Upon the trial of such cause in the district court, such court or jury in arriving at a decision as to whether or not the rates complained of are reasonable or extortionate, and in fixing the rates, shall consider the cost of construction of the plant of the public utility corporation against which the petition is filed, the cost of the operation of such plant, its maintenance and repairs, the fixed charges that may be against the corporation, amount invested in such plant, and such other matters as may be material to the issues. The district court trying the same shall have the power to order the utility to make

proof of its books and records for inspection in court in determining the question in issue. After a full hearing of all the evidence adduced, the court or jury shall have power, and it shall be their duty to fix the rates which may be charged by such public utility corporation; provided, that the rates fixed must be sufficient to yield such public utility not more than six per cent upon sound value of the investment, and such rates or charges shall continue in force for a period of three years. The rates fixed shall be entered of record upon the minutes of the court, and shall be held conclusive, as reasonable, fair and just, and shall remain for three years as the rates to be charged by such utility, unless changed or modified by the judgment of said district court, or by the appellate courts to which either of the parties to said suit may appeal or have writ of error."

"Sec. 72. That Article 1131 of the Revised Civil Statutes of Texas be amended so as to hereafter read as follows, to wit:

"Article 1131. The public utilities included within the meaning of this Act are those hereinbefore designated together with sewerage companies conducting sewerage for the public."

"Sec. 73. That Article 1132 of the Revised Civil Statutes of Texas be amended so as to hereafter read as follows, to wit:

"Article 1132. Any city within this State, incorporated under a general or a special law, is subject to the provisions of this Act."

"Sec. 74. This Act shall be so interpreted and construed as to effectuate its general purpose. All existing statutes covering the matters embraced in this Act are hereby repealed and all Acts and parts of Acts now in effect which are inconsistent with the provision of this Act are hereby repealed, but no law now or hereafter enacted, requiring other reports of such utilities to be filed with other State, county, or municipal officers, or bodies, shall be repealed, or affected thereby, and that the Statutes of this State relating to railroads and the regulation thereof are not repealed or modified in any way except as hereinbefore expressly set out.

"Sec. 75. The public importance of the purpose herein contemplated creates an emergency and imperative public necessity requiring the suspension of the constitutional rule, re-

quiring bills to be read upon three several days in each house, and the said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted."

Question recurring on the amendment by Mr. Pope, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—22

Bradbury	James
Caldwell	King
Celaya	Lotief
Dunagan	McKinney
Duvall	Morse
Fitzwater	Reed of Bowie
Fuchs	Russell
Hardin	Scarborough
Hill	Stovall
Hoskins	Wood of Harrison
Howard	Young

## Nays—107

Adamson	Hanna
Adkins	Harris of Archer
Aikin	Harris of Dallas
Alexander	Hartzog
Alsup	Head
Ash	Herzik
Atchison	Hodges
Bergman	Holland
Bourne	Huddleston
Bradford	Hunt
Burton	Hunter
Butler of Brazos	Hyder
Cagle	Jackson
Calvert	Jefferson
Canon	Jones of Atascosa
Clayton	Jones of Falls
Collins	Jones of Shelby
Colquitt	Jones of Wise
Colson	Keefe
Cooper	Knetsch
Cowley	Lange
Craddock	Lanning
Crossley	Lemens
Daniel	Leonard
Davison of Fisher	Lindsey
Davisson	Lucas
of Eastland	Luker
Dickison	Mauritz
Dwyer	McConnell
England	McFarland
Fain	McKee
Fisher	Morris
Ford	Morrison
Fox	Newton
Glass	Nicholson
Graves	Olsen
Gray	Padgett
Greathouse	Palmer
Hankamer	Patterson

Payne	Stanfield
Pope	Steward
Quinn	Stinson
Reader	Tarwater
Reed of Dallas	Tennyson
Roach of Hunt	Thornton
Roane	Tillery
Roark	Venable
Roberts	Waggoner
Rogers	Walker
Rutta	Wells
Settle	Westfall
Shofner	Wood of Montague
Smith	Worley
Spears	Youngblood

## Absent

Butler of Karnes	Leath
Dunlap of Kleberg	Moffett
Gibson	Moore
Good	Petsch
Hofheinz	Riddle
Jones of Runnels	Roach of Angelina
Latham	

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

Mr. Pope moved to reconsider the vote by which the amendment was lost.

Mr. Patterson moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—101

Adamson	Crossley
Adkins	Daniel
Aikin	Davison of Fisher
Alexander	Davisson
Alsup	of Eastland
Ash	Dwyer
Atchison	England
Bergman	Fain
Bourne	Fisher
Bradford	Ford
Burton	Fox
Butler of Karnes	Glass
Cagle	Graves
Calvert	Gray
Canon	Greathouse
Clayton	Hankamer
Collins	Harris of Archer
Colquitt	Harris of Dallas
Colson	Hartzog
Cooper	Head
Cowley	Herzik
Craddock	Hodges

Holland	Quinn
Huddleston	Reader
Hunt	Reed of Bowie
Hyder	Riddle
Jackson	Roach of Angelina
Jefferson	Roach of Hunt
Jones of Atascosa	Roane
Jones of Falls	Roark
Jones of Shelby	Roberts
Jones of Wise	Rogers
Keefe	Rutta
Knetsch	Settle
Lange	Shofner
Lanning	Smith
Lemens	Spears
Lindsey	Stanfield
Lotief	Steward
Lucas	Stinson
Mauritz	Stovall
McConnell	Tarwater
McFarland	Tennyson
McKee	Thornton
Moore	Venable
Morris	Waggoner
Nicholson	Wells
Olsen	Westfall
Padgett	Wood of Montague
Palmer	Worley
Patterson	Youngblood

## Nays—18

Bradbury	Morse
Caldwell	Newton
Celaya	Pope
Duval	Russell
Fitzwater	Scarborough
Fuchs	Tillery
Hardin	Walker
Hill	Wood of Harrison
James	Young

## Present—Not Voting

Reed of Dallas

## Absent

Butler of Brazos	Jones of Runnels
Dickison	King
Dunagan	Latham
Dunlap of Kleberg	Leath
Gibson	Leonard
Good	Luker
Hanna	McKinney
Hofheinz	Moffett
Hoskins	Morrison
Howard	Payne
Hunter	Petsch

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

Mr. Roark moved the previous question on the pending committee amend-

ment, amendments on the Speaker's desk relative to salaries, and the passage of House Bill No. 365 to engrossment.

Mr. Pope raised a point of order on further consideration of the motion by Mr. Roark, on the ground that the motion by Mr. Roark would prohibit consideration of certain amendments, on the Speaker's desk, and is not permissible under the Rules of the House.

The Chair sustained the point of order.

Mr. Jones of Atascosa moved the previous question on the committee amendment, and the passage of House Bill No. 365 to engrossment.

Mr. Pope raised a point of order on further consideration of the motion by Mr. Jones of Atascosa, on the ground that the motion violates the constitutional provisions, that all bills shall be given a free and fair discussion.

The Chair overruled the point of order.

The motion for the main question was seconded.

Mr. Pope raised the further point of order on consideration of the motion for the main question by Mr. Jones of Atascosa, on the ground that same is in violation of the constitutional provision which provides that all bills shall be given a free and fair discussion, and that it will prohibit the offering of the amendments which he has prepared.

The Chair overruled the point of order.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 69; nays, 61.

Mr. Pope called for a verification of the vote.

The roll of the "yeas" and "nays" was then called, and the verified vote announced as follows:

## Yeas—67

Adkins	Collins
Alsup	Craddock
Ash	Crossley
Atchison	Daniel
Burton	Davison of Fisher
Butler of Brazos	Davison
Butler of Karnes	of Eastland
Cagle	Dickison
Calvert	England



Fisher	Morris
Ford	Padgett
Fox	Palmer
Graves	Patterson
Gray	Petsch
Greathouse	Reader
Head	Roach of Hunt
Herzik	Roane
Holland	Roark
Hunt	Roberts
Jones of Atascosa	Rogers
Jones of Falls	Rutta
Jones of Runnels	Stanfield
Jones of Shelby	Steward
Jones of Wise	Stovall
Knetsch	Tarwater
Lange	Thornton
Lanning	Tillery
Lemens	Venable
Lindsey	Walker
Lucas	Wells
Mauritz	Westfall
McFarland	Wood of Montague
Moffett	Worley
Moore	Youngblood

## Nays—60

Adamson	Hunter
Aikin	Hyder
Bergman	Jackson
Bourne	James
Bradbury	Jefferson
Bradford	Keefe
Caldwell	Lotief
Canon	Luker
Celaya	McConnell
Clayton	McKee
Colquitt	Morrison
Colson	Newton
Cooper	Nicholson
Cowley	Olsen
Dunagan	Payne
Dunlap of Kleberg	Pope
Fain	Reed of Bowie
Fitzwater	Reed of Dallas
Fuchs	Riddle
Glass	Roach of Angelina
Good	Russell
Hankamer	Scarborough
Hanna	Settle
Hardin	Shofner
Harris of Dallas	Smith
Hartzog	Stinson
Hill	Tennyson
Hodges	Waggoner
Hofheinz	Wood of Harrison
Huddleston	Young

## Absent

Alexander	Latham
Duvall	Leath
Dwyer	Leonard
Gibson	McKinney
Harris of Archer	Morse
Hofheinz	Quinn
Howard	Spears
King	

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

The Chair announced that the motion for the main question prevailed.

(Speaker in the Chair.)

The committee amendment, as amended, was then adopted by the following vote:

## Yeas—117

Adamson	Howard
Adkins	Huddleston
Alexander	Hunt
Alsup	Hunter
Ash	Hyder
Atchison	Jackson
Bergman	Jefferson
Bourne	Jones of Atascosa
Bradford	Jones of Falls
Burton	Jones of Runnels
Butler of Brazos	Jones of Shelby
Butler of Karnes	Jones of Wise
Cagle	King
Calvert	Knetsch
Canon	Lange
Clayton	Lanning
Collins	Latham
Colquitt	Lemens
Colson	Leonard
Cooper	Lindsey
Cowley	Lucas
Craddock	Mauritz
Crossley	McConnell
Daniel	McFarland
Davison of Fisher	McKee
Davisson	Moffett
of Eastland	Moore
Dickison	Morris
Duvall	Morrison
Dwyer	Newton
England	Nicholson
Fain	Padgett
Fisher	Palmer
Ford	Patterson
Fox	Payne
Fuchs	Petsch
Gibson	Quinn
Glass	Reader
Graves	Reed of Dallas
Gray	Riddle
Greathouse	Roach of Angelina
Hankamer	Roach of Hunt
Hanna	Roane
Harris of Archer	Roark
Harris of Dallas	Rogers
Hartzog	Russell
Head	Rutta
Herzik	Settle
Hodges	Shofner
Holland	Smith

Spears	Waggoner
Stanfield	Walker
Stinson	Wells
Stovall	Westfall
Tarwater	Wood of Harrison
Tennyson	Wood of Montague
Thornton	Worley
Tillery	Young
Venable	Youngblood

## Nays—15

Aikin	Hoskins
Bradbury	James
Caldwell	Lotief
Dunagan	Morse
Fitzwater	Pope
Good	Reed of Bowie
Hardin	Scarborough
Hill	

## Present—Not Voting

Luker

## Absent

Celaya	McKinney
Dunlap of Kleberg	Olsen
Hofheinz	Roberts
Keefe	Steward
Leath	

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

House Bill No. 365 was then passed to engrossment by the following vote:

## Yeas—109

Adamson	Dickison
Adkins	Dwyer
Alexander	England
Alsup	Fain
Ash	Fisher
Atchison	Ford
Bergman	Fox
Bourne	Fuchs
Bradford	Gibson
Burton	Graves
Butler of Brazos	Gray
Butler of Karnes	Greathouse
Cagle	Hankamer
Calvert	Harris of Archer
Canon	Harris of Dallas
Clayton	Hartzog
Collins	Head
Colson	Herzik
Cooper	Hodges
Cowley	Holland
Craddock	Howard
Crossley	Huddleston
Daniel	Hunt
Davison of Fisher	Hyder
Davison	Jackson
of Eastland	Jefferson

Jones of Atascosa	Reader
Jones of Falls	Reed of Dallas
Jones of Runnels	Riddle
Jones of Shelby	Roach of Angelina
Jones of Wise	Roach of Hunt
Keefe	Roane
King	Roark
Knetsch	Roberts
Lange	Rogers
Lanning	Rutta
Latham	Settle
Lemens	Shofner
Leonard	Smith
Lindsey	Spears
Lucas	Stanfield
Mauritz	Stinson
McConnell	Stovall
McFarland	Tarwater
Moffett	Tennyson
Moore	Thornton
Morris	Tillery
Morrison	Venable
Newton	Waggoner
Padgett	Wells
Palmer	Westfall
Patterson	Wood of Harrison
Payne	Wood of Montague
Petsch	Worley
Quinn	Youngblood

## Nays—24

Aikin	Hunter
Bradbury	James
Caldwell	Lotief
Celaya	McKee
Colquitt	Morse
Dunagan	Nicholson
Fitzwater	Pope
Glass	Reed of Bowie
Good	Russell
Hardin	Scarborough
Hill	Walker
Hoskins	Young

## Present—Not Voting

Luker

## Absent

Dunlap of Kleberg	Leath
Duvall	McKinney
Hanna	Olsen
Hofheinz	Steward

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

## HOUSE BILL NO. 365 ON THIRD READING

Mr. Graves moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 365

be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adamson	Jones of Shelby
Adkins	Jones of Wise
Alexander	Keefe
Alsup	Knetsch
Ash	Lange
Atchison	Lanning
Bergman	Latham
Bourne	Lemens
Bradford	Leonard
Burton	Lindsey
Butler of Brazos	Lotief
Butler of Karnes	Lucas
Cagle	Mauritz
Calvert	McConnell
Canon	McFarland
Clayton	Moffett
Collins	Moore
Colson	Morris
Cooper	Morrison
Cowley	Morse
Craddock	Newton
Crossley	Nicholson
Daniel	Olsen
Davison of Fisher	Padgett
Davison of Eastland	Palmer
Dickison	Patterson
Dunlap of Hays	Payne
Duvall	Petsch
Dwyer	Quinn
England	Reader
Fain	Reed of Dallas
Ford	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roane
Fuchs	Roark
Gibson	Roberts
Glass	Rogers
Graves	Rutta
Gray	Settle
Greathouse	Shofner
Hankamer	Smith
Hanna	Spears
Harris of Archer	Stanfield
Harris of Dallas	Steward
Hartzog	Stinson
Head	Stovall
Herzik	Tarwater
Hodges	Tennyson
Holland	Thornton
Howard	Tillery
Huddleston	Venable
Hunt	Waggoner
Hyder	Wells
Jefferson	Westfall
Jones of Atascosa	Wood of Harrison
Jones of Falls	Wood of Montague
Jones of Runnels	Worley
	Youngblood

Nays—20

Aikin Bradbury

Caldwell	Jackson
Celaya	James
Dunagan	King
Fitzwater	McKee
Good	Pope
Hardin	Reed of Bowie
Hill	Russell
Hoskins	Scarborough
Hunter	Walker

Present—Not Voting

Luker

Absent

Colquitt	McKinney
Hofheinz	Riddle
Leath	Young

Absent—Excused

Beck	Farmer
Broyles	Fisher
Davis	McCalla
Dunlap of Kleberg	

The Speaker then laid House Bill No. 365 before the House on its third reading and final passage.

The bill was read third time.

Mr. Daniel moved the previous question on the amendments on the Speakers' desk by Messrs. Keefe, Pope, and Aikin, and the passage of House Bill No. 365, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—76

Adkins	Harris of Archer
Alexander	Head
Alsup	Herzik
Ash	Holland
Atchison	Hoskins
Burton	Huddleston
Butler of Brazos	Hunt
Cagle	Jones of Atascosa
Calvert	Jones of Falls
Crossley	Jones of Runnels
Daniel	Jones of Shelby
Davison of Fisher	Jones of Wise
Dickison	Keefe
England	King
Fain	Knetsch
Fisher	Lange
Ford	Lanning
Fox	Latham
Fuchs	Lemens
Gibson	Lindsey
Glass	Lucas
Graves	Mauritz
Gray	McFarland
Greathouse	McKinney

Moffett	Rutta
Moore	Settle
Morris	Shofner
Morrison	Smith
Palmer	Spears
Patterson	Stanfield
Payne	Stovall
Petsch	Tarwater
Reader	Thornton
Roach of Hunt	Tillery
Roane	Wells
Roark	Wood of Montague
Roberts	Worley
Rogers	Youngblood

## Nays—51

Adamson	Hill
Aikin	Hodges
Bergman	Hunter
Bourne	Hyder
Bradbury	Jackson
Butler of Karnes	James
Caldwell	Lotief
Canon	McConnell
Celaya	Morse
Collins	Newton
Colquitt	Pope
Colson	Quinn
Cooper	Reed of Bowie
Cowley	Reed of Dallas
Craddock	Riddle
Davisson	Russell
of Eastland	Scarborough
Dunagan	Steward
Dwyer	Stinson
Fitzwater	Tennyson
Good	Venable
Hankamer	Waggoner
Hanna	Walker
Hardin	Westfall
Harris of Dallas	Wood of Harrison
Hartzog	Young

## Present—Not Voting

Luker

## Absent

Bradford	Leath
Clayton	Leonard
Dunlap of Kleberg	McKee
Duvall	Nicholson
Hofheinz	Olsen
Howard	Padgett
Jefferson	Roach of Angelina

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

Mr. Aikin offered the following amendment to the bill:

Amend House Bill No. 365, page 7, line 27, by adding after the word "annum" the following: "All above

salaries to be for the biennium ending August 31, 1937, only, after which all salaries shall be stipulated in the Departmental Appropriation Bill."

The amendment was adopted.

Mr. Keefe offered the following amendment to the bill:

Amend House Bill No. 365, page 8, by relettering Section (e), line 11, and Section (f), line 16; these shall be known as Sections (f) and (g), respectively; moreover, there shall be a new section known as Section (e) which shall read as follows:

"(e) Except for the appointment of a chief counsel, a chief engineer, a chief auditor, a chief statistician and a secretary, all of these being listed in Section (a) on page 7, the appointment, discharge and promotion of all other employes shall be carried on by means of a merit system which shall be provided for as follows:

"The board shall classify all positions into two groups, the competitive and non-competitive. The competitive class shall include those positions which require necessary technical skill and training and experience in a particular field and for which examinations are impracticable. Appointments to this class shall be made after applicants have made personal appearances before the board so that it may determine mental fitness, past experience, necessary training and moral and/or character fitness of applicants.

"The competitive class shall include all clerical and stenographic positions and such other positions for which examinations are practicable. Appointments to this class shall be made from the two highest on the eligible list of applicants who have made at least a grade of seventy (70) on examinations which shall be practical and shall consist only of subjects which fairly determine the capacity and ability of the persons being examined; such tests may be written and oral or written only. Vacancies shall be filled, so far as possible, by promotion which shall be based on merit, competition, superiority and seniority.

"Discharges shall be made by the board or its respective chiefs, but a written authorization containing reasons therefor shall be filed in its records, and a copy transmitted to the discharged person. Such discharges

shall be final. Employees shall be discharged on account of: (1) incompetency or inefficiency; (2) dishonesty, immorality or bad behavior; and/or (3) political activity as hereinafter defined:

"Political activity, for the purposes of this section, shall include: contributing money, personal services or any thing of value toward securing the nomination and/or election of any candidate for national, state or local office; provided, however, that nothing in this Act shall be construed to prohibit or prevent any such officer or employee from becoming or continuing to be a member of a political club or organization or from attendance upon political meetings, from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to public office. The board shall prescribe such other rules regarding political activity not inconsistent with the terms set out herein.

"Moreover, the board may prescribe such other rules and regulations as it deems necessary for the enforcement of the merit system."

The amendment was adopted.

Mr. Pope offered the following amendment to the bill:

Amend House Bill No. 365 by striking out Subsection (6), on page 43, and renumbering subsequent paragraphs of said section.

The amendment was adopted.

Mr. Harris of Dallas moved to reconsider the vote by which the amendment by Mr. Pope was adopted, and to table the motion to reconsider.

The motion to table prevailed.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 365 was then passed by the following vote:

#### Yeas—114

Adamson	Cagle
Adkins	Calvert
Alexander	Canon
Alsup	Clayton
Ash	Collins
Atchison	Colson
Bergman	Cooper
Bourne	Cowley
Burton	Craddock
Butler of Brazos	Crossley
Butler of Karnes	Daniel

Davison of Fisher	Mauritz
Davisson	McConnell
of Eastland	McFarland
Dickison	McKee
Dunlap of Kleberg	McKinney
Duvall	Moffett
Dwyer	Moore
England	Morris
Fain	Morrison
Fisher	Newton
Fitzwater	Padgett
Ford	Palmer
Fox	Patterson
Fuchs	Payne
Gibson	Petsch
Graves	Quinn
Gray	Reader
Greathouse	Reed of Dallas
Hankamer	Roach of Angelina
Hanna	Roach of Hunt
Harris of Archer	Roane
Harris of Dallas	Roark
Hartzog	Roberts
Head	Rogers
Herzik	Rutta
Hodges	Settle
Hofheinz	Shofner
Holland	Smith
Huddleston	Spears
Hunt	Stanfield
Hyder	Steward
Jackson	Stinson
Jefferson	Stovall
Jones of Atascosa	Tarwater
Jones of Falls	Tennyson
Jones of Runnels	Thornton
Jones of Shelby	Tillery
Jones of Wise	Venable
Keefe	Waggoner
King	Wells
Knetsch	Westfall
Lange	Wood of Harrison
Lanning	Wood of Montague
Latham	Worley
Lemens	Young
Lindsey	Youngblood
Lucas	

#### Nays—19

Aikin	Hunter
Bradbury	James
Caldwell	Lotief
Celaya	Morse
Colquitt	Pope
Dunagan	Reed of Bowie
Glass	Russell
Good	Scarborough
Hardin	Walker
Hill	

#### Present—Not Voting

Luker

#### Absent

Bradford	Leonard
Hoskins	Nicholson
Howard	Olsen
Leath	Riddle

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	McCalla
Dunlap of Hays	

Mr. Graves moved to reconsider the vote by which House Bill No. 365 was passed, and to table the motion to reconsider.

The motion to table prevailed.

## Reasons for Vote

I voted against House Bill No. 365 because said bill sets up a utility commission vesting full authority of utility regulation therein and taking away the right of local self-government. It tends to take away the right of the people and place it in a centralized commission. I favor strong regulation of public utilities but believe the commission form the wrong way to do it.

BRADBURY.

My amendments to House Bill No. 365, to reduce salaries which are too high, were killed when the previous question was ordered. I, nevertheless, voted for the bill after Mr. Graves, author and sponsor of the measure, stated he personally felt the salaries were too high but was sure they would be reduced in the Senate or conference committee.

McCONNELL.

I believe that we need better utility regulation in Texas, and I believe that House Bill No. 365 is the best proposal for such regulation. It is my policy to vote against salaries as high as those proposed in this bill, though; therefore, I am voting against House Bill No. 365.

GLASS.

During my campaign last summer I told my constituents that I was against the creation of any new boards or commissions.

COLQUITT.

## RELATIVE TO CONSIDERATION OF CERTAIN BILLS

Mr. McConnell offered the following resolution:

Whereas, On the twenty-third day of April, 1935, by a vote of 82 yeas to 30 nays, the House adopted a resolution providing that some night be set apart for the consideration of bills

relating to labor, and in said resolution, which was signed by a large number of members, the respective numbers of those bills were set out and itemized; and

Whereas, No specific date was set for the time of consideration of said resolution and the close of the present session of the Forty-fourth Legislature being not far distant makes it imperative that a day certain be set for the consideration of the said bills; and

Whereas, The Hon. Franklin D. Roosevelt, President of the United States, and members of the Congress and the American people are passing emergency relief measures and directing their energies toward the one great problem of alleviating the distressing conditions of the laboring people, farmers, etc., by making large emergency appropriations; and

Whereas, It should be the duty of this legislative body to give such measures primary consideration, but up until the present very little labor legislation has been passed; now, therefore, be it

Resolved by the House of Representatives, That the House do convene at 7:30 Monday night, April 29, for the purpose of considering the above mentioned labor bills, and that this resolution on said date take precedence over and receive prior consideration over all other simple resolutions heretofore passed.

McCONNELL,  
JEFFERSON,  
YOUNGBLOOD.

The resolution was read second time.

## CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 408

On motion of Mr. Russell, the following conference committee report on House Bill No. 408 was ordered printed in the Journal:

Committee Room,

Austin, Texas, April 24, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives, and Hon. K. M. Regan, President Pro Tempore of the Senate.

Sirs: We, your conference committee, appointed to adjust the differences between the House and the Sen-

ate on House Bill No. 408, beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto:

"H. B. No. 408,

A BILL

To Be Entitled

An Act to amend Article 2350, Title 44, Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 290, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Act of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Act of the Forty-third Legislature, First Called Session, Chapter 83, page 220; and so as to provide the salaries of county commissioners in certain counties; providing that if any part of this Act be declared unconstitutional it shall not affect any remaining part; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas.

Section 1. That Article 2350, Title 44, of the Revised Civil Statutes of the State of Texas, 1925, as amended by Acts of the Thirty-ninth Legislature, Regular Session, Chapter 135, Section 1; and as amended by Act of the Fortieth Legislature, page 435, Chapter 290, Section 1; and as amended by Act of the Fortieth Legislature, First Called Session, page 138, Chapter 46, Section 1; and as amended by Act of the Forty-third Legislature, Regular Session, Chapter 216; and as amended by Act of the Forty-third Legislature, First Called Session, Chapter 83, page 220; be and the same is hereby amended so as to hereafter read as follows:

Article 2350. In counties having the following assessed valuations, respectively, as shown by the total assessed valuations of all properties certified by the county assessor and approved by the commissioners court for county purposes, for the previous year, from time to time, the county commissioners of such counties shall each receive annual salaries not to exceed the amounts herein specified, said salaries to be paid in equal

monthly installments, at least one-half, and not exceeding three-fourths, out of the road and bridge fund and the remainder out of the general fund of the county; said assessed valuations and salaries applicable thereto being as follows:

Assessed Valuations	Salaries to be paid each Commissioner
\$4,500,000 and less than \$6,500,000 not to exceed.....	\$1,200
\$6,500,001 and less than \$8,500,000 not to exceed.....	1,350
\$8,500,001 and less than \$10,500,000 not to exceed.....	1,650
\$10,500,001 and less than \$14,500,000 not to exceed..	1,800
\$14,500,001 and less than \$20,000,000 not to exceed..	2,000
\$20,000,001 and less than \$30,000,000 not to exceed..	2,400
\$30,000,001 and less than \$60,000,000 not to exceed..	2,800
\$60,000,001 and less than \$80,000,000 not to exceed..	3,200
\$80,000,001 and less than \$110,000,000 not to exceed.	3,400
\$110,000,001 and less than \$150,000,000 not to exceed.	3,600
\$150,000,001 and over.....	4,200

In counties having assessed valuations of less than \$4,500,000 each commissioner shall receive five dollars (\$5) per day for each day served as commissioner, and a like amount when acting as ex-officio road superintendent in his commissioner's precinct, provided in no event shall his total compensation exceed nine hundred dollars (\$900) in any one year.

Sec. 2. The salary of each county commissioner and each county judge may be paid wholly out of the county general fund or, at the option of the commissioners court, may be paid out of the county general fund and out of the road and bridge fund in the following proportions: County judge not to exceed seventy-five per cent (75%) of such salaries may be paid out of the road and bridge fund, and the remainder out of the general fund of the county, and each county commissioner's salary may, at the discretion of the commissioners court, all be paid out of the road and bridge fund; provided this section shall not apply except in counties where the constitutional limit of twenty-five (25) cents on the one hundred dol-

lars (\$100) is levied for general purposes.

Sec. 3. That all laws and parts of laws in conflict herewith are hereby expressly repealed.

Sec. 4. If any section, clause, sentence, or other part of this Act shall for any reason be declared unconstitutional that shall not affect in any way the constitutionality of the remaining provisions hereof.

Sec. 5. The importance of simplifying the laws now governing the salaries of the various commissioners of the several counties of the State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is suspended and this Act shall take effect from and after its passage.

Respectfully submitted,

DAVIS,  
BURNS,  
PACE,  
RAWLINGS,

On the part of the Senate;

LEATH,  
BUTLER of Karnes,  
RUSSELL,  
JAMES,

On the part of the House.

#### MESSAGE FROM THE SENATE

Senate Chamber,

Austin, Texas, April 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. B. No. 77, A bill to be entitled "An Act creating a conservation and reclamation district to be known as the Upper Colorado River Authority, pursuant to and for the purposes set forth in Section 59 of Article XVI, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, etc., and declaring an emergency." (With amendments.)

S. B. No. 149, A bill to be entitled "An Act making appropriations to pay deficiency appropriations granted by the Governor during the fiscal

years ending August 31, 1934, and August 31, 1935, respectively, and declaring an emergency."

S. B. No. 257, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas to supplement appropriations made by the Regular Session of the Forty-third Legislature for the maintenance and administration of the Judiciary to pay expenses of district judges and district attorneys as per Article 6820, Revised Civil Statutes, and declaring an emergency."

S. B. No. 369, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas the sum of six thousand one hundred forty-eight dollars and eighty cents (\$6,148.80) not otherwise appropriated, to cover taxes due by the State of Texas to the Sugar Land Independent School District covering the years from 1918 to 1927, inclusive; and declaring an emergency."

S. B. No. 494, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State Treasury of the State of Texas for certain State Eleemosynary Institutions for additional support and maintenance of said institutions for the fiscal year ending August 31, 1935, and declaring an emergency."

S. B. No. 501, A bill to be entitled "An Act authorizing the creation of The Texas National Guard Armory Board, defining its personnel, the duties and functions of said board, making an appropriation, and declaring an emergency."

S. B. No. 259, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue of the State of Texas, to supplement appropriations made by the Regular Session of the Forty-third Legislature for the maintenance and administration of the Judiciary, and for traveling expenses of the Judges of the Courts of Civil Appeals when on exchange of benches, to pay deficiency certificates already issued against such appropriations, and declaring an emergency."

Respectfully,  
BOB BARKER,  
Secretary of the Senate.



## NOTICES GIVEN

Notices were given by the authors of the several bills, which bills were heretofore laid on the table subject to call, that motions would be made to take up said bills on the next legislative day.

## SENATE JOINT RESOLUTIONS ON FIRST READING

The following Senate joint resolutions, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Joint Resolution No. 19, to the Committee on Constitutional Amendments.

Senate Joint Resolution No. 23, to the Committee on Constitutional Amendments.

## RECESS

Mr. Alsup moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Hunter moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Mr. McFarland moved that the House recess to 7:30 o'clock p. m., today.

Question recurring on the motion by Mr. McFarland, it prevailed, and the House, accordingly, at 5:30 o'clock p. m., took recess to 7:30 o'clock p. m., today.

## NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

Mr. Latham moved a call of the House for the purpose of maintaining a quorum until 10 o'clock p. m., today, and the call was duly ordered.

On motion of Mr. Latham, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

The roll of the House was called and the following members were present:

Mr. Speaker	Bradbury
Adkins	Bradford
Aikin	Burton
Alexander	Butler of Brazos
Alsup	Cagle
Atchison	Caldwell
Bourne	Calvert

Canon	Mauritz
Collins	McCalla
Colquitt	McConnell
Cooper	McFarland
Cowley	McKee
Craddock	McKinney
Crossley	Moffett
Davisson	Moore
of Eastland	Morris
Dickison	Morrison
Dunlap of Kleberg	Morse
Dwyer	Newton
Fain	Nicholson
Fisher	Olsen
Fitzwater	Palmer
Fox	Patterson
Fuchs	Payne
Glass	Petsch
Good	Pope
Graves	Quinn
Gray	Reader
Greathouse	Reed of Bowie
Hankamer	Reed of Dallas
Hanna	Roach of Angelina
Hardin	Roane
Harris of Archer	Roark
Harris of Dallas	Russell
Hill	Rutta
Holland	Scarborough
Hoskins	Shofner
Howard	Smith
Huddleston	Spears
Hunt	Stanfield
Jackson	Steward
James	Stinson
Jefferson	Stovall
Jones of Atascosa	Tarwater
Jones of Falls	Tennyson
Jones of Runnels	Thornton
Jones of Shelby	Tillery
Jones of Wise	Venable
Knetsch	Waggoner
Lanning	Walker
Latham	Wells
Leonard	Wood of Harrison
Lindsey	Wood of Montague
Lotief	Worley
Lucas	Young
Luker	Youngblood

## Absent

Adamson	Herzik
Ash	Hodges
Bergman	Hofheinz
Butler of Karnes	Hunter
Celaya	Keefe
Clayton	King
Colson	Lange
Daniel	Leath
Davison of Fisher	Lemens
Dunagan	Padgett
Duvall	Riddle
England	Roach of Hunt
Ford	Roberts
Gibson	Rogers
Hartzog	Settle
Head	Westfall

## Absent—Excused

Beck  
Broyles  
Davis  
Dunlap of Hays

Farmer  
Frazer  
Hyder

A quorum was announced present.

(Mr. Russell in the Chair.)

CONCERNING CONSIDERATION  
OF BILLS RELATIVE TO LABOR

The Chair laid before the House, for consideration at this time, resolution offered on this afternoon by Mr. McConnell, relative to the consideration of certain bills relative to labor.

The resolution having been read second time on this afternoon.

Mr. Alsup raised a point of order on further consideration of the resolution by Mr. McConnell, on the ground that the House has heretofore adopted a resolution for the purpose of considering court reform bills, and the above resolution cannot take precedence over the resolution already adopted without a suspension of the Rule.

The Chair overruled the point of order.

Mr. Alsup raised a point of order on further consideration of the resolution by Mr. McConnell, on the ground that House Bill No. 585 is pending business in the House and that said bill has precedence over other business, and that same can not be displaced without a suspension of the Rule.

The Chair overruled the point of order.

Mr. Lindsey raised a point of order on further consideration of the resolution by Mr. McConnell, on the ground that the time for consideration of resolutions has expired.

The Chair overruled the point of order.

Question recurring on the resolution by Mr. McConnell, yeas and nays were demanded.

The resolution was adopted by the following vote:

## Yeas—61

Bradbury  
Celaya  
Cooper  
Craddock  
Davisson  
of Eastland

Dickison  
Dwyer  
Fain  
Fisher  
Fitzwater  
Ford

Gibson  
Glass  
Gray  
Greathouse  
Hanna  
Hardin  
Hartzog  
Hill  
Holland  
Huddleston  
Jackson  
James  
Jefferson  
Jones of Atascosa  
Jones of Falls  
Jones of Shelby  
Lanning  
Latham  
Leath  
Lotief  
Lucas  
McCalla  
McConnell  
McKee  
Moore

Morris  
Morrison  
Newton  
Nicholson  
Olsen  
Patterson  
Payne  
Quinn  
Reader  
Reed of Bowie  
Roach of Hunt  
Roark  
Shofner  
Smith  
Spears  
Stanfield  
Stovall  
Tillery  
Waggoner  
Wells  
Westfall  
Wood of Harrison  
Worley  
Young  
Youngblood

## Nays—40

Adkins  
Aikin  
Alexander  
Alsup  
Bourne  
Burton  
Calvert  
Canon  
Collins  
Colquitt  
Cowley  
Crossley  
Fox  
Fuchs  
Harris of Archer  
Harris of Dallas  
Head  
Herzik  
Hodges  
Hunt

Jones of Runnels  
Jones of Wise  
King  
Lindsey  
Luker  
Mauritz  
McFarland  
McKinney  
Moffett  
Palmer  
Petsch  
Pope  
Reed of Dallas  
Roach of Angelina  
Roane  
Rutta  
Scarborough  
Stinson  
Thornton  
Wood of Montague

## Present—Not Voting

Russell

Venable

## Absent

Adamson  
Ash  
Atchison  
Bergman  
Bradford  
Butler of Brazos  
Butler of Karnes  
Cagle  
Caldwell  
Clayton  
Colson  
Daniel  
Davison of Fisher

Dunagan  
Dunlap of Kleberg  
Duvall  
England  
Good  
Graves  
Hankamer  
Hofheinz  
Hoskins  
Howard  
Hunter  
Keefe  
Knetsch

Lange	Rogers
Lemens	Settle
Leonard	Steward
Padgett	Tarwater
Riddle	Tennyson
Roberts	Walker

## Absent—Excused

Beck	Farmer
Broyles	Frazer
Davis	Hyder
Dunlap of Hays	Morse

## Reason for Vote

The House having previously voted to consider, on Monday night, April 29, certain court reform bills which are in interest of the public welfare, I voted against the McConnell resolution, although I favor most of the bills referred to in the McConnell resolution.

RUTTA.

CONFERENCE COMMITTEE  
EXCUSED

Mr. Morse asked unanimous consent of the House that the following conference committee on Senate Joint Resolution No. 3 be excused for tonight: Messrs. Moffett, Morse, Thornton, Young, and Petsch.

There was no objection offered, and it was so ordered.

## LEAVE OF ABSENCE GRANTED

Mr. Hyder was granted leave of absence for tonight on account of illness, on motion of Mr. Worley.

HOUSE BILL NO. 156 ON SECOND  
READING

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 156, A bill to be entitled "An Act prohibiting the refund of wages under personal service contract; defining the word 'person'; making exception of labor officials acting as agent of duly constituted labor organizations; providing a penalty, and declaring an emergency."

The bill was read second time.

Mr. Alsup raised the point of order that the resolution by Mr. McConnell relative to the consideration of certain bills, has not been adopted by the House because same is in effect an amendment to the Rules of the

House, and that a two-thirds vote is necessary for the adoption of the resolution.

The Chair overruled the point of order.

Mr. McCalla offered the following amendment to the bill:

Amend House Bill No. 156 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The term 'person' as used in this Act shall include any individual, firm, partnership, association, corporation or group of persons.

"Sec. 2. It shall be unlawful for any person, either for himself or for any other person, directly or indirectly, to deduct or withhold from the wages or other compensation of any employe of such person, or to exact in any manner from his employes any sum of money or anything of value whatsoever, for any purpose.

"Sec. 3. It shall be unlawful for any person, either for himself or for any person, directly or indirectly, to demand of any employe that he make any payment or contribution to any fund, as a condition precedent to obtaining employment or being employed.

"Sec. 4. No corporation, directly or indirectly, shall compel or require an employe to join any company or association whatsoever, or withhold any part of an employe's wages or salary for the payment of dues or assessments in any society or organization or demand or require either as a condition precedent to obtaining employment or being employed.

"Sec. 5. Whoever shall violate any provision of this Act shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than two hundred and fifty dollars (\$250) or by confinement in the county jail not to exceed ninety (90) days, or by both such fine and confinement in the county jail.

"Sec. 6. The fact that there is now no law on the statute books of Texas prohibiting the 'kicking back' of wages, and that this vicious practice is being engaged in by many employers of labor, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read in each house

on three several days, be suspended, and the same is hereby suspended, and that this Act shall be in force and effect from and after its passage, and it is so enacted."

Mr. Pope raised a point of order on further consideration of House Bill No. 156, on the ground that House Bill No. 156 was not designated in the resolution adopted by the House as one of the bills to be considered.

The Chair overruled the point of order.

Mr. Pope raised a point of order on further consideration of the amendment by Mr. McCalla, on the ground that the amendment is not germane to the bill.

The Chair overruled the point of order.

Mrs. Moore offered the following amendment to the amendment by Mr. McCalla:

Amend the amendment to House Bill No. 156, at the end of Section 2, by adding the following: "except for hospitalization."

Mr. Roach of Hunt moved the previous question on the pending amendments, and the passage of House Bill No. 156 to engrossment, and the motion was not seconded.

Mr. Greathouse moved to table the amendment by Mrs. Moore.

The motion to table was lost.

Mr. Alsup moved that further consideration of House Bill No. 156 be postponed until 11 o'clock a. m., next Tuesday.

Mr. Greathouse moved to table the motion by Mr. Alsup.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—78

Adamson	Craddock
Adkins	Crossley
Aikin	Davisson
Bergman	of Eastland
Bradbury	Dickison
Bradford	Dunlap of Hays
Burton	Dwyer
Butler of Brazos	Fain
Caldwell	Fisher
Calvert	Fitzwater
Canon	Ford
Celaya	Fuchs
Cooper	Gibson

Glass	Morrison
Graves	Nicholson
Gray	Patterson
Greathouse	Payne
Hanna	Quinn
Hardin	Reader
Harris of Archer	Reed of Bowie
Hartzog	Roach of Hunt
Herzik	Roark
Hill	Rogers
Hodges	Rutta
Holland	Settle
Hoskins	Shofner
Jackson	Smith
James	Spears
Jefferson	Stanfield
Jones of Falls	Steward
Jones of Wise	Stinson
Keefe	Stovall
Latham	Tennyson
Lotief	Venable
Lucas	Waggoner
McCalla	Walker
McConnell	Wells
McKee	Wood of Harrison
Moore	Youngblood
Morris	

## Nays—39

Alsup	King
Bourne	Knetsch
Collins	Lanning
Colquitt	Lindsey
Cowley	Mauritz
Daniel	McFarland
England	McKinney
Fox	Newton
Frazer	Olsen
Good	Palmer
Harris of Dallas	Pope
Head	Reed of Dallas
Hofheinz	Roach of Angelina
Howard	Scarborough
Huddleston	Tarwater
Hunt	Tillery
Hunter	Westfall
Jones of Atascosa	Wood of Montague
Jones of Runnels	Worley
Jones of Shelby	

## Present—Not Voting

Russell

## Absent

Alexander	Duvall
Ash	Lange
Atchison	Leath
Butler of Karnes	Lemens
Cagle	Leonard
Clayton	Luker
Colson	Padgett
Davison of Fisher	Riddle
Dunagan	Roane
Dunlap of Kleberg	Roberts

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Thornton
Hankamer	Young
Hyder	

Question recurring on the amendment by Mrs. Moore, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—74

Adamson	Jones of Runnels
Aikin	Jones of Shelby
Alsup	Jones of Wise
Atchison	King
Bergman	Knetsch
Bourne	Lanning
Burton	Lindsey
Butler of Brazos	Lotief
Butler of Karnes	Luker
Caldwell	Mauritz
Calvert	McFarland
Canon	Moore
Celaya	Morrison
Collins	Nicholson
Colquitt	Olsen
Cowley	Palmer
Crossley	Patterson
Daniel	Quinn
Dunlap of Hays	Reed of Bowie
Dunlap of Kleberg	Roach of Angelina
Fox	Roane
Frazer	Roark
Fuchs	Rogers
Good	Rutta
Graves	Scarborough
Gray	Settle
Harris of Archer	Shofner
Harris of Dallas	Stanfield
Hartzog	Steward
Hodges	Stinson
Hofheinz	Tennyson
Hoskins	Waggoner
Howard	Wells
Hunt	Westfall
Hunter	Wood of Harrison
James	Wood of Montague
Jones of Falls	Worley

## Nays—48

Adkins	Fain
Bradbury	Fisher
Bradford	Fitzwater
Cagle	Ford
Colson	Gibson
Cooper	Glass
Craddock	Greathouse
Davisson	Hanna
of Eastland	Hardin
Dickison	Head
Dwyer	Herzik
England	Hill

Holland	Newton
Huddleston	Payne
Jackson	Reader
Jefferson	Roach of Hunt
Jones of Atascosa	Smith
Keefe	Spears
Latham	Stovall
Lucas	Tarwater
McCalla	Tillery
McConnell	Venable
McKee	Walker
McKinney	Youngblood
Morris	

## Present—Not Voting

Russell

## Absent

Alexander	Lemens
Ash	Leonard
Clayton	Padgett
Davison of Fisher	Pope
Dunagan	Reed of Dallas
Duvall	Riddle
Lange	Roberts
Leath	

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Thornton
Hankamer	Young
Hyder	

Mr. Alsup moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. McCalla offered the following amendment to the amendment:

Amend amendment to House Bill No. 156, Section 4, by striking out in line 1 of Section 4, the word "corporation" and inserting in lieu thereof the word "person".

The amendment was adopted.

Mr. McKee moved to table the amendment by Mr. McCalla as amended.

The motion to table was lost.

Question recurring on the amendment by Mr. McCalla, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 156 was then passed to engrossment.

## HOUSE BILL NO. 156 ON THIRD READING

Mr. Jefferson moved that the constitutional rule, requiring bills to be

read on three several days, be suspended, and that House Bill No. 156 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—107

Adamson	Jones of Atascosa
Adkins	Jones of Falls
Aikin	Jones of Shelby
Atchison	Jones of Wise
Bourne	Keefe
Bradbury	King
Bradford	Knetsch
Burton	Lanning
Butler of Brazos	Latham
Butler of Karnes	Leonard
Cagle	Lindsey
Canon	Lotief
Celaya	Lucas
Collins	Mauritz
Colquitt	McCalla
Colson	McConnell
Cooper	McFarland
Craddock	McKee
Crossley	Moore
Daniel	Morris
Davisson	Morrison
of Eastland	Newton
Dickison	Nicholson
Dunlap of Hays	Olsen
Dunlap of Kleberg	Palmer
Duvall	Patterson
Dwyer	Payne
England	Pope
Fain	Quinn
Fisher	Reader
Fitzwater	Reed of Bowie
Ford	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roark
Fuchs	Rogers
Gibson	Rutta
Glass	Settle
Graves	Shofner
Gray	Smith
Greathouse	Spears
Hanna	Stanfield
Harris of Archer	Steward
Harris of Dallas	Stinson
Hartzog	Stovall
Herzik	Tarwater
Hill	Tennyson
Hodges	Venable
Hofheinz	Waggoner
Holland	Walker
Hoskins	Wells
Howard	Wood of Harrison
Hunter	Wood of Montague
James	Worley
Jefferson	Youngblood

## Nays—14

Alsup	Caldwell
Bergman	Calvert

Good	McKinney
Hardin	Reed of Dallas
Head	Roane
Huddleston	Scarborough
Hunt	Westfall

## Present—Not Voting

Russell

## Absent

Alexander	Lange
Ash	Leath
Clayton	Lemens
Cowley	Luker
Davison of Fisher	Padgett
Dunagan	Riddle
Jackson	Roberts
Jones of Runnels	Tillery

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Thornton
Hankamer	Young
Hyder	

The Chair then laid House Bill No. 156 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—106

Adamson	Gibson
Adkins	Glass
Aikin	Graves
Atchison	Gray
Bourne	Greathouse
Bradbury	Hanna
Bradford	Hardin
Burton	Harris of Archer
Butler of Brazos	Harris of Dallas
Butler of Karnes	Hartzog
Cagle	Herzik
Canon	Hill
Celaya	Hodges
Collins	Hofheinz
Colquitt	Hoskins
Cooper	Howard
Craddock	Hunter
Crossley	Jackson
Daniel	James
Davisson	Jefferson
of Eastland	Jones of Atascosa
Dickison	Jones of Falls
Dunlap of Hays	Jones of Runnels
Dunlap of Kleberg	Jones of Shelby
Duvall	Jones of Wise
Dwyer	Keefe
Fain	King
Fisher	Knetsch
Fitzwater	Lanning
Ford	Latham
Fox	Leonard
Frazer	Lindsey

Lotief	Rogers
Lucas	Rutta
McCalla	Settle
McConnell	Shofner
McFarland	Smith
McKee	Spears
Moore	Stanfield
Morris	Steward
Morrison	Stinson
Newton	Stovall
Nicholson	Tarwater
Olsen	Tennyson
Patterson	Tillery
Payne	Venable
Pope	Waggoner
Quinn	Walker
Reader	Wells
Reed of Bowie	Wood of Harrison
Reed of Dallas	Wood of Montague
Roach of Angelina	Worley
Roach of Hunt	Youngblood
Roark	

## Nays—14

Alsup	Head
Bergman	Huddleston
Caldwell	Luker
Calvert	McKinney
Cowley	Roane
England	Scarborough
Good	Westfall

## Present—Not Voting

Russell

## Absent

Alexander	Hunt
Ash	Lange
Clayton	Leath
Colson	Lemens
Davison of Fisher	Mauritz
Dunagan	Padgett
Fuchs	Palmer
Holland	Roberts

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Riddle
Hankamer	Thornton
Hyder	Young

## HOUSE BILL NO. 31 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 31, A bill to be entitled "An Act providing that no person, firm, corporation, association, partnership, contractor, or subcontractor performing any public work for the State, or for any county, municipality,

or other political subdivision of this State, shall employ any person who is not a citizen of the United States; providing forfeitures as a penalty for violation of this Act, etc., and declaring an emergency."

The bill was read second time, and was passed to engrossment.

## HOUSE BILL NO. 31 ON THIRD READING

Mr. Jefferson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 31 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—120

Adamson	Gray
Adkins	Greathouse
Aikin	Hanna
Alexander	Hardin
Alsup	Harris of Archer
Atchison	Harris of Dallas
Bergman	Hartzog
Bourne	Head
Bradbury	Herzik
Bradford	Hill
Burton	Hodges
Butler of Brazos	Hofheinz
Butler of Karnes	Hoskins
Cagle	Howard
Caldwell	Huddleston
Calvert	Hunter
Canon	Jackson
Celaya	James
Collins	Jefferson
Colquitt	Jones of Falls
Colson	Jones of Runnels
Cooper	Jones of Shelby
Cowley	Jones of Wise
Craddock	Keefe
Daniel	King
Davisson	Knetsch
of Eastland	Lanning
Dickison	Latham
Dunlap of Hays	Leonard
Dunlap of Kleberg	Lindsey
Duvall	Lotief
Dwyer	Lucas
England	Mauritz
Fain	McCalla
Fisher	McConnell
Fitzwater	McFarland
Fox	McKee
Frazer	McKinney
Fuchs	Moore
Gibson	Morris
Glass	Morrison
Good	Newton
Graves	Nicholson

Olsen	Spears
Palmer	Stanfield
Patterson	Steward
Payne	Stinson
Pope	Stovall
Quinn	Tarwater
Reader	Tennyson
Reed of Bowie	Tillery
Reed of Dallas	Venable
Roach of Angelina	Waggoner
Roach of Hunt	Walker
Roark	Wells
Rogers	Westfall
Rutta	Wood of Harrison
Scarborough	Wood of Montague
Settle	Worley
Shofner	Youngblood
Smith	

## Nays—2

Hunt	Luker
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## Present—Not Voting

Russell

## Absent

Ash	Lange
Clayton	Leath
Crossley	Lemens
Davison of Fisher	Padgett
Dunagan	Riddle
Ford	Roane
Holland	Roberts
Jones of Atascosa	

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Thornton
Hankamer	Young
Hyder	

The Chair then laid House Bill No. 31 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—121

Adamson	Celaya
Adkins	Collins
Aikin	Colquitt
Alexander	Colson
Alsup	Cooper
Atchison	Cowley
Bourne	Craddock
Bradbury	Daniel
Bradford	Davison
Burton	of Eastland
Butler of Brazos	Dickison
Butler of Karnes	Dunlap of Hays
Cagle	Dunlap of Kleberg
Caldwell	Duvall
Calvert	Dwyer
Canon	England

Fain	McConnell
Fisher	McFarland
Fitzwater	McKee
Fox	McKinney
Frazer	Moore
Fuchs	Morris
Gibson	Morrison
Glass	Newton
Good	Nicholson
Graves	Olsen
Gray	Palmer
Greathouse	Patterson
Hanna	Payne
Hardin	Pope
Harris of Archer	Quinn
Harris of Dallas	Reader
Hartzog	Reed of Bowie
Head	Reed of Dallas
Herzik	Roach of Angelina
Hill	Roach of Hunt
Hodges	Roane
Hofheinz	Roark
Holland	Rogers
Hoskins	Rutta
Howard	Scarborough
Huddleston	Settle
Hunt	Shofner
Hunter	Smith
Jackson	Spears
James	Stanfield
Jefferson	Steward
Jones of Atascosa	Stinson
Jones of Falls	Stovall
Jones of Runnels	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Tillery
Keefe	Venable
King	Waggoner
Knetsch	Walker
Lanning	Wells
Latham	Westfall
Lindsey	Wood of Harrison
Lucas	Wood of Montague
Mauritz	Worley
McCalla	Youngblood

## Nays—1

Crossley

## Present—Not Voting

Lotief	Russell
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## Absent

Ash	Leath
Bergman	Lemens
Clayton	Leonard
Davison of Fisher	Luker
Dunagan	Padgett
Ford	Riddle
Lange	Roberts

## Absent—Excused

Beck	Farmer
Broyles	Hankamer
Davis	Hyder



Moffett  
Morse  
Petsch

Thornton  
Young

Mr. Scarborough moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

The motion was lost.

#### HOUSE BILL NO. 418 ON SECOND READING.

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 418, A bill to be entitled "An Act amending Articles 5168, 5169, 5170, and 5172 of Chapter 6, of Title 83, of the Revised Civil Statutes of the State of Texas, 1925, providing that no female employe shall be employed in any factory, mill, workshop, mechanical or mercantile establishment, hotel, restaurant, rooming house, theater, moving picture show, beauty parlor, barber shop, telegraph, telephone, or other office, laundry, cotton, woolen or worsted goods manufacturing plant, express, or transportation company, or any State institution, or any other establishment, institution, or enterprise where females are employed for more than eight (8) hours in any one calendar day nor more than forty-eight (48) hours in any one calendar week; repealing all of Article 5169, repealing all of Article 5170, amending Article 5172, so that it does not apply to mercantile establishments, and declaring an emergency."

The bill was read second time.

Mr. Roark offered the following amendment to the bill:

Amend House Bill No. 418, page 2, after the word "to" on line 2, by inserting the words "waitresses and female employes in cafes."

Mrs. Moore moved to table the amendment by Mr. Roark.

The motion to table was lost.

Question recurring on the amendment by Mr. Roark, it was adopted.

Mr. Colquitt offered the following amendment to the bill:

Amend House Bill No. 418, page 1, line 30, by striking out the word "laundry" and by inserting at the end of line 35 the following: "No female shall be employed in any laundry for more than ten hours in any one calendar day or more than forty-

eight hours in any one calendar week."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 418 was then passed to engrossment.

#### HOUSE BILL NO. 418 ON THIRD READING

Mrs. Moore moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 418 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97

Adamson	Hodges
Aikin	Hofheinz
Alsup	Holland
Atchison	Hoskins
Bourne	Howard
Bradbury	Huddleston
Bradford	Hunt
Burton	Hunter
Butler of Brazos	Jackson
Caldwell	James
Canon	Jefferson
Celaya	Jones of Atascosa
Collins	Jones of Falls
Colson	Jones of Shelby
Cooper	Jones of Wise
Cowley	Keefe
Craddock	Lanning
Davisson	Latham
of Eastland	Lotief
Dunlap of Hays	Lucas
Duvall	Mauritz
Dwyer	McCalla
England	McConnell
Fain	McFarland
Fisher	McKee
Fitzwater	Moore
Ford	Morris
Fox	Morrison
Frazer	Nicholson
Fuchs	Palmer
Gibson	Patterson
Glass	Payne
Good	Pope
Gray	Quinn
Greathouse	Reader
Hanna	Reed of Bowie
Hardin	Reed of Dallas
Harris of Archer	Roark
Harris of Dallas	Rutta
Hartzog	Settle
Herzik	Shofner
Hill	Smith

Stanfield	Venable
Steward	Waggoner
Stinson	Walker
Stovall	Westfall
Tarwater	Wood of Harrison
Tennyson	Worley
Tillery	Youngblood

## Nays—8

Bergman	Knetsch
Crossley	Lindsey
Head	Roane
Jones of Runnels	Wood of Montague

## Present—Not Voting

Russell

## Absent

Adkins	Leath
Alexander	Lemens
Ash	Leonard
Butler of Karnes	Luker
Cagle	McKinney
Calvert	Newton
Clayton	Olsen
Colquitt	Padgett
Daniel	Riddle
Davison of Fisher	Roach of Angelina
Dickison	Roach of Hunt
Dunagan	Roberts
Dunlap of Kleberg	Rogers
Graves	Scarborough
King	Spears
Lange	Wells

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Thornton
Hankamer	Young
Hyder	

The Chair then laid House Bill No. 418 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—101

Adamson	Colquitt
Adkins	Colson
Aikin	Cooper
Alsup	Cowley
Atchison	Craddock
Bourne	Davison
Bradbury	of Eastland
Bradford	Dickison
Burton	Dunlap of Hays
Butler of Brazos	Duvall
Butler of Karnes	Dwyer
Caldwell	Fain
Canon	Fisher
Celaya	Fitzwater
Collins	Ford

Fox	McConnell
Frazer	McFarland
Gibson	McKee
Glass	McKinney
Good	Moore
Graves	Morris
Gray	Newton
Greathouse	Nicholson
Hanna	Palmer
Hardin	Patterson
Harris of Archer	Payne
Harris of Dallas	Quinn
Herzik	Reader
Hill	Reed of Bowie
Hofheinz	Reed of Dallas
Holland	Roach of Angelina
Hoskins	Roark
Howard	Rutta
Huddleston	Settle
Hunt	Shofner
Hunter	Smith
Jackson	Stanfield
James	Steward
Jefferson	Stinson
Jones of Atascosa	Stovall
Jones of Falls	Tarwater
Jones of Shelby	Tennyson
Jones of Wise	Tillery
Keefe	Venable
King	Waggoner
Lanning	Walker
Latham	Westfall
Lotief	Wood of Harrison
Lucas	Wood of Montague
Mauritz	Worley
McCalla	Youngblood

## Nays—8

Bergman	Head
Crossley	Knetsch
England	Lindsey
Fuchs	Roane

## Present—Not Voting

Hodges

Russell

## Absent

Alexander	Leonard
Ash	Luker
Cagle	Morrison
Calvert	Olsen
Clayton	Padgett
Daniel	Pope
Davison of Fisher	Riddle
Dunagan	Roach of Hunt
Dunlap of Kleberg	Roberts
Hartzog	Rogers
Jones of Runnels	Scarborough
Lange	Spears
Leath	Wells
Lemens	

## Absent—Excused

Beck	Davis
Broyles	Farmer

Hankamer  
Hyder  
Moffett  
Morse

Petsch  
Thornton  
Young

# HOUSE BILL NO. 419 ON SECOND READING

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 419, A bill to be entitled "An Act amending Article 1569 of Chapter 2 of Title 18 of the Penal Code of the State of Texas, 1925, so as to provide that no female shall be employed for more than eight (8) hours in any one calendar day nor more than forty-eight (48) hours in any one calendar week, and providing that laundries or factories engaged in the manufacture of cotton, woolen, or worsted goods or articles of merchandise manufactured out of cotton goods shall not be exempt from the provisions of this Act, and declaring an emergency."

The bill was read second time.

Mrs. Moore offered the following amendments to the bill:

Amend House Bill No. 419, line 26, by adding "or woolen" between the words "cotton" and "woolen."

Amend House Bill No. 419, line 24, by adding "express or transportation company" between the words "office" and "laundry."

The amendments were severally adopted.

Mr. Venable offered the following amendment to the bill:

Amend House Bill No. 419, page 1, line 28, by striking out the figure "8" and inserting in lieu thereof the figure "10".

On motion of Mrs. Moore, the amendment was tabled.

Mr. McCalla offered the following amendment to the bill:

Amend House Bill No. 419, page 1, line 24, by striking out the word "laundry" and by adding at the end of line 30, the following: "in any laundry for more than 10 hours in any one calendar day nor more than 48 hours in any one calendar week."

On motion of Mrs. Moore, the amendment was tabled.

Mr. Roark offered the following amendment to the bill:

Amend House Bill No. 419 by adding at the end of Section 2, the following to be known as Section 2-a:

"Sec. 2-a. Exceptions—The preceding articles shall not apply to female employes in cafes, stenographers and pharmacists, or telegraph and telephone companies in rural districts and in cities or towns or villages of less than three thousand (3,000) inhabitants, as shown by the last preceding Federal Census. In cases of extraordinary emergencies, such as great public calamities or where it becomes necessary for the protection of human life or property, longer hours may be worked, but for such time, not less than double time shall be paid such female with her consent."

Mrs. Moore moved to table the amendment by Mr. Roark.

The motion to table was lost.

Question recurring on the amendment by Mr. Roark, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and to the body of the bill.

House Bill No. 419 was then passed to engrossment.

# HOUSE BILL NO. 419 ON THIRD READING

Mrs. Moore moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 419 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—111

Adamson	Dwyer
Adkins	Fain
Aikin	Fisher
Alsup	Fitzwater
Atchison	Ford
Bourne	Fox
Bradbury	Frazer
Bradford	Fuchs
Butler of Brazos	Gibson
Cagle	Glass
Calvert	Good
Canon	Graves
Celaya	Gray
Colquitt	Greathouse
Colson	Hanna
Cooper	Hardin
Cowley	Harris of Archer
Craddock	Harris of Dallas
Davisson	Hartzog
of Eastland	Herzik
Dickison	Hill
Dunlap of Hays	Hodges
Duvall	Hofheinz

Holland	Patterson
Hoskins	Payne
Howard	Pope
Huddleston	Quinn
Hunter	Reader
Jackson	Reed of Bowie
James	Reed of Dallas
Jefferson	Roach of Angelina
Jones of Atascosa	Roach of Hunt
Jones of Falls	Roark
Jones of Runnels	Rogers
Jones of Shelby	Rutta
Jones of Wise	Scarborough
Keefe	Settle
King	Shofner
Knetsch	Smith
Lanning	Spears
Latham	Stanfield
Lotief	Steward
Lucas	Stinson
Mauritz	Stovall
McCalla	Tarwater
McConnell	Tennyson
McFarland	Tillery
McKee	Venable
McKinney	Waggoner
Moore	Walker
Morrison	Wells
Morris	Westfall
Newton	Wood of Harrison
Nicholson	Wood of Montague
Olsen	Worley
Palmer	Youngblood

## Nays—6

Bergman	Head
Crossley	Lindsey
England	Luker

## Present—Not Voting

Roane	Russell
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## Absent

Alexander	Dunlap of Kleberg
Ash	Hunt
Burton	Lange
Butler of Karnes	Leath
Caldwell	Lemens
Clayton	Leonard
Collins	Padgett
Daniel	Riddle
Davison of Fisher	Roberts
Dunagan	

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Thornton
Hankamer	Young
Hyder	

The Chair then laid House Bill No. 419 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—109

Adamson	Jones of Atascosa
Adkins	Jones of Falls
Aikin	Jones of Shelby
Alexander	Jones of Wise
Alsup	Keefe
Atchison	King
Bourne	Lanning
Bradbury	Latham
Bradford	Lotief
Butler of Brazos	Lucas
Caldwell	Mauritz
Calvert	McCalla
Canon	McConnell
Celaya	McFarland
Colquitt	McKee
Colson	McKinney
Cooper	Moore
Cowley	Morris
Craddock	Morrison
Davisson	Newton
of Eastland	Nicholson
Dickison	Olsen
Dunlap of Hays	Palmer
Duvall	Patterson
Dwyer	Payne
Fain	Pope
Fisher	Quinn
Fitzwater	Reader
Ford	Reed of Bowie
Fox	Reed of Dallas
Frazer	Roach of Angelina
Fuchs	Roach of Hunt
Gibson	Roark
Glass	Rogers
Good	Rutta
Graves	Scarborough
Gray	Settle
Greathouse	Shofner
Hanna	Smith
Hardin	Spears
Harris of Archer	Stanfield
Harris of Dallas	Steward
Hartzog	Stinson
Herzik	Stovall
Hill	Tarwater
Hodges	Tennyson
Hofheinz	Tillery
Holland	Waggoner
Hoskins	Walker
Howard	Wells
Huddleston	Westfall
Hunter	Wood of Harrison
Jackson	Wood of Montague
James	Worley
Jefferson	Youngblood

## Nays—12

Bergman	Jones of Runnels
Butler of Karnes	Knetsch
Crossley	Lindsey
England	Luker
Head	Roane
Hunt	Venable

## Present—Not Voting

Russell

## Absent

Ash	Dunlap of Kleberg
Burton	Lange
Cagle	Leath
Clayton	Lemens
Collins	Leonard
Daniel	Padgett
Davison of Fisher	Riddle
Dunagan	Roberts

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Thornton
Hankamer	Young
Hyder	

HOUSE BILL NO. 155 ON SECOND  
READING

The Chair laid before the House, on its second reading and passage to engrossment,

H. B. No. 155, A bill to be entitled "An Act to amend Sections 1, 2, and 4, of Chapter 45, Acts of the Forty-third Legislature, Regular Session, relating to the wages paid on public work, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 155 ON THIRD  
READING

Mr. Nicholson moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 155 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—101

Adamson	Cowley
Aikin	Craddock
Alexander	Davisson
Atchison	of Eastland
Bourne	Dickison
Bradbury	Dunlap of Hays
Bradford	Duvall
Burton	England
Cagle	Fain
Caldwell	Fisher
Calvert	Fitzwater
Celaya	Ford
Collins	Fox
Colquitt	Frazer
Colson	Fuchs
Cooper	Gibson

Glass	Morris
Good	Morrison
Greathouse	Newton
Hanna	Nicholson
Harris of Archer	Olsen
Harris of Dallas	Payne
Hartzog	Pope
Head	Quinn
Herzik	Reader
Hill	Reed of Bowie
Hodges	Reed of Dallas
Hofheinz	Roach of Angelina
Holland	Roach of Hunt
Hoskins	Roark
Howard	Rogers
Hunter	Rutta
Jackson	Settle
James	Shofner
Jefferson	Smith
Jones of Falls	Spears
Jones of Runnels	Stanfield
Jones of Shelby	Steward
Jones of Wise	Stinson
Keefe	Stovall
Knetsch	Tarwater
Lanning	Tennyson
Latham	Tillery
Leonard	Waggoner
Lotief	Walker
Lucas	Wells
McCalla	Westfall
McConnell	Wood of Harrison
McFarland	Wood of Montague
McKee	Worley
McKinney	Youngblood

## Nays—12

Alsup	Hunt
Bergman	Lindsey
Canon	Luker
Crossley	Palmer
Hardin	Roane
Huddleston	Scarborough

## Absent

Adkins	King
Ash	Lange
Butler of Brazos	Leath
Butler of Karnes	Lemens
Clayton	Mauritz
Daniel	Moore
Davison of Fisher	Padgett
Dunagan	Patterson
Dunlap of Kleberg	Riddle
Dwyer	Roberts
Graves	Russell
Gray	Venable
Jones of Atascosa	

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Thornton
Hankamer	Young
Hyder	

The Chair then laid House Bill No. 155 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

## Yeas—98

Adamson	Jones of Shelby
Aikin	Jones of Wise
Atchison	Keefe
Bourne	King
Bradbury	Lanning
Bradford	Latham
Burton	Leonard
Butler of Karnes	Lotief
Cagle	Lucas
Caldwell	Mauritz
Calvert	McCalla
Canon	McConnell
Celaya	McFarland
Collins	McKee
Colquitt	McKinney
Colson	Morris
Cooper	Morrison
Cowley	Newton
Crossley	Nicholson
Davisson	Olsen
of Eastland	Payne
Dickison	Pope
Dunlap of Hays	Quinn
Duvall	Reader
Fain	Reed of Bowie
Fisher	Reed of Dallas
Fitzwater	Roach of Angelina
Fox	Roach of Hunt
Frazer	Roark
Fuchs	Rutta
Gibson	Settle
Glass	Shofner
Good	Smith
Greathouse	Spears
Hanna	Stanfield
Harris of Archer	Steward
Harris of Dallas	Stinson
Hartzog	Stovall
Herzik	Tarwater
Hill	Tennyson
Hofheinz	Tillery
Holland	Waggoner
Hoskins	Walker
Howard	Wells
Hunter	Westfall
Jackson	Wood of Harrison
James	Wood of Montague
Jefferson	Worley
Jones of Falls	Youngblood
Jones of Runnels	

## Nays—13

Alsup	Knetsch
Bergman	Lindsey
Butler of Brazos	Luker
England	Palmer
Hardin	Roane
Head	Scarborough
Huddleston	

## Absent

Adkins	Hunt
Alexander	Jones of Atascosa
Ash	Lange
Clayton	Leath
Craddock	Lemens
Daniel	Moore
Davison of Fisher	Padgett
Dunagan	Patterson
Dunlap of Kleberg	Riddle
Dwyer	Roberts
Ford	Rogers
Graves	Russell
Gray	Venable
Hodges	

## Absent—Excused

Beck	Moffett
Broyles	Morse
Davis	Petsch
Farmer	Thornton
Hankamer	Young
Hyder	

## SENATE BILLS ON FIRST READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 149, to the Committee on Appropriations.

Senate Bill No. 257, to the Committee on Appropriations.

Senate Bill No. 259, to the Committee on Appropriations.

Senate Bill No. 369, to the Committee on Appropriations.

Senate Bill No. 501, to the Committee on Military Affairs.

## ADJOURNMENT

Mr. Lindsey moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Hanna moved that the House adjourn until 9:30 o'clock a. m., tomorrow.

Question recurring on the motion by Mr. Hanna, it prevailed, and the House, accordingly, at 9:50 o'clock p. m., adjourned until 9:30 o'clock a. m., tomorrow.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Agriculture: Senate Bill No. 56.

Oil, Gas, and Mining: House Bill No. 551.

Privileges, Suffrage, and Elections: Senate Bill No. 238.

Public Lands and Buildings: House Bill No. 987.

Revenue and Taxation: Senate Bill No. 189.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 26, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 978, A bill to be entitled "An Act authorizing the creation and incorporation of wind erosion conservation districts coextensive with the area of any county in this State; prescribing the methods for the creation of same, and designating the powers and duties of such districts; prescribing that the county judge and commissioners court shall constitute the governing body and that the county treasurer and county clerk shall be the treasurer and clerk of such districts; etc., and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 479, A bill to be entitled "An Act to amend Chapter 212, Sections 3, 5, 8, of the General Laws of the Fortieth Legislature, Regular Session; providing for the reorganization of the Texas Prison Board; fixing their terms of office; providing for their regular meeting place; providing for special meetings and providing for a quorum of the Texas Prison Board; providing for the control of the Texas Prison System by the Texas Prison Board through the general manager selected by the Prison Board, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 674, A bill to be entitled "An Act to amend Chapter 175, page 252, Acts of the Fortieth Legislature, 1927, so as to permit the adding of an additional section to permit the Highway Commission of Texas to acquire, construct, and maintain interstate bridges without the joinder of the highway commissions of the adjoining States, and declaring an emergency,"

Has carefully compared same, and finds it correctly engrossed.

HODGES, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 99, Recalling House Bill No. 257 from the Governor's Office,

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 100, Granting permission to Hon. W. F. Robertson, Judge of the One Hundred and Twenty-sixth Judicial District Court of Texas, to be absent from the State of Texas,

Has carefully compared same, and finds it correctly enrolled.

ATCHISON, Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 405, "An Act providing for a closed season on the killing or

possession of squirrels in the Counties of Brazos, Grimes, Leon, Madison, Robertson, and San Jacinto from the first day of January of each year through and including the fifteenth day of May of each year, and during the months of August and September of each year; providing for a bag limit of not more than five (5) squirrels that may be taken, killed, or possessed in said counties in any one day and a limit of not exceeding fifteen (15) squirrels in any one week; prescribing the penalties for the violation of any provision of this Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, April 29, 1935.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 491, "An Act providing for a Civil Service Commission in cities having a population of more than two hundred and ninety thousand (290,000) according to the last preceding or any future Federal Census; establishing a method for the election of the members of said commission, fixing the terms of office of said members, and providing for the functioning of said commission, including the election of the chairman thereof and a minimum salary of three thousand dollars (\$3,000) for the chairman of said commission; authorizing any three (3) members of said commission to organize the same on failure or refusal of any elective body or bodies to elect commissioners and until the other four commissioners are elected; providing for a civil service system based upon examination of certain required knowledge and investigation as to merit, efficiency and fitness for appointment, employment, and promotion of individuals appointed in and employed by said cities; providing for discharge of employes of said city and for procedure in hearings and appeal relating to such discharge; providing for the removal of members of said commission, hearings on charges filed to that end, and appeals

from action on such charges; prohibiting said commissioners from holding Federal, State, county, municipal, or other political office or serving on any political committee or taking any active part in the management of any political campaign while serving on said commission; and authorizing said city councils to fix the salaries of said commissioners; authorizing necessary clerks and stenographers, offices, office equipment, supplies, postage and printing for said Civil Service Commission, the same to be provided by city council of the city concerned, and the salaries of said clerks and stenographers to be paid by the said council of the city concerned out of annual appropriations by said council for the work of said commission; providing for workmen's compensation for employes of said cities; authorizing said Civil Service Commission to prescribe, amend, and enforce rules and regulations; to effectuate the provisions hereof, to keep minutes of its proceedings and other records for ten (10) years and open to public inspection, and to make certain investigation concerning the administration of the Act, including said rules and regulations, to administer oaths, take testimony and subpoena witnesses and require their attendance and the production by them of certain evidence and records; authorizing the payment to witnesses for attendance and travel and providing punishment for disobedience to summons, and the making of annual reports by said commission to the mayor of such city; prohibiting campaign contributions by said employes and prohibiting discrimination in employment because of sex; providing penalties for the violation of the Act; providing that persons employed by said city under the provisions of any civil service regulations in effect in said city upon the date of the passage hereof shall be retained in such employment; providing a saving clause; providing if this Act is declared unconstitutional it shall not be construed to have repealed any civil service regulation now in operation in said city; repealing laws in conflict with the Act, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROANE, Vice-Chairman.